## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)		
NPG Digital Phone, Inc. to	)		
Withdraw and Have Cancelled Its	)	Case No.	
Certificate of Service Authority	)		
	)		

## APPLICATION FOR THE WITHDRAWAL AND CANCELLATION OF CERTIFICATE OF SERVICE AUTHORITY

COMES NOW NPG Digital Phone, Inc. ("Applicant"), a Missouri corporation, and hereby applies to withdraw and have cancelled its Certificate of Service Authority issued by the Commission and to cancel all of its tariffs on file with the Missouri Public Service Commission. In support of its request, Applicant states:

- 1. Applicant's legal name is NPG Digital Phone, Inc. Applicant is a corporation in good standing with the State of Missouri.
- 2. The name and address of Applicant's attorney to whom correspondence and communication pertaining to this application should be addressed are:

Michael L. McCann, Esq. Kristine M. Stanley, Esq. Spencer Fane Britt & Browne LLP 1000 Walnut Street, Suite 1400 Kansas City, MO 64106-2140

- 3. In case number CA-2007-0149, the Commission granted NPG Digital Phone, Inc. a Certificate of Service Authority to provide basic local, nonswitched local and interexchange telecommunication services.
- 4. Pursuant to H.B. 1779, Applicant is no longer providing "telecommunications service" as defined in RSMo. 386.020(54) because Applicant is providing "interconnected voice over Internet protocol service" as defined in RSMo. 386.020(23).

5. Applicant has filed an Application for VoIP registration with the Commission, and requests that its Certificate of Service Authority and tariffs be cancelled effective on the date that Applicant's VoIP registration becomes effective.

6. Applicant has no annual report or assessment fees that are overdue.

Applicant has no pending actions or final unsatisfied judgments or decisions against it 7. from any state or federal agency or court which involve customer service or rates, which has occurred within three years of this Application.

For all of the above reasons, Applicant requests that its Certificate of Service 8. Authority be withdrawn and cancelled.

9. Applicant also respectfully requests that the Commission withdraw and cancel all of its tariffs for the provision of telecommunications service within the State of Missouri.

WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant the withdrawal and cancellation of Applicant's Certificate of Service Authority, and cancel all of its tariffs on file with the Missouri Public Service Commission, together with such other and further relief as is necessary or convenient to affording the relief herein requested.

Respectfully submitted,

Michael L. McCann, Mo. Bar #41166

Kristine M. Stanley, Mo. Bar #51702

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ATTORNEYS FOR APPLICANT NPG DIGITAL PHONE, INC.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this day of September, 2008, to the following parties:

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102 Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102

Kristine M. Stanley
Kristine M. Stanley

3 WA 756340.1

## VERIFICATION

STATE OF MISSOURI	)
	) ss.
COUNTY OF BUCHANAN	)

COMES NOW Lyle E. Leimkuhler, being of lawful age and duly sworn, swears and affirms as follows:

- 1. My name is Lyle E. Leimkuhler and I hold the position of Secretary of NPG Digital Phone, Inc. In that capacity I am authorized on its behalf to delegate responsibility for the Application of NPG Digital Phone, Inc. to withdraw and have cancelled its Certificate of Service Authority and tariffs in the State of Missouri (the "Application").
- 2. The information contained in the Application is true and accurate to the best of my knowledge and belief.
- 3. I have authorized Michael L. McCann, Esq., Kristine M. Stanley, Esq., and the law firm of Spencer Fane Britt & Browne LLP to file and prosecute the Application, and to represent NPG Digital Phone, Inc. in any proceedings arising out of the Application.

Lyle E. Peimkuhler

Subscribed and sworn to before me this 30th day of September, 2008.

Notary Public

My Commission Expires:  $\frac{1}{2}$ 

Judy B. Moreno - Notary Public Notary Seal, State of Missouri - Buchanan County Commission #08544882 My Commission Expires 6/23/2012