

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

HALO WIRELESS, INC.,	§	
	§	
Complainant,	§	
	§	
v.	§	
	§	
CRAW-KAN TELEPHONE	§	
COOPERATIVE, INC., ELLINGTON	§	
TELEPHONE COMPANY, GOODMAN	§	
TELEPHONE COMPANY, GRANBY	§	
TELEPHONE COMPANY, IAMO	§	
TELEPHONE COMPANY, LE-RU	§	CASE NO. TC-2012-0331
TELEPHONE COMPANY, MCDONALD	§	
COUNTY TELEPHONE COMPANY,	§	
MILLER TELEPHONE COMPANY,	§	
OZARK TELEPHONE COMPANY, ROCK	§	
PORT TELEPHONE COMPANY, SENECA	§	
TELEPHONE COMPANY, ALMA	§	
COMMUNICATIONS COMPANY D/B/A	§	
ALMA TELEPHONE COMPANY,	§	
CHOCTAW TELEPHONE COMPANY,	§	
MOKAN DIAL, INC. PEACE VALLEY	§	
TELEPHONE COMPANY, INC., AND	§	
SOUTHWESTERN BELL TELEPHONE	§	
COMPANY, D/B/A AT&T MISSOURI,	§	
	§	
Respondents.	§	

**HALO WIRELESS, INC.'S OPPOSITION TO
CRAW-KAN TELEPHONE ET AL.'S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

NOW COMES Halo Wireless, Inc. ("Halo") and opposes the motion to dismiss filed by the "Craw-Kan Telephone" defendants and states as follows:

1. Halo was originally granted a certificate of authority to by the Missouri Secretary of State on January 29, 2010. Halo's certificate of authority was administratively dissolved by the Secretary of State on August 25, 2010 for failure to file an annual report.

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CRAW KAN DEFENDANTS MOTION TO DISMISS**

2. As set forth in the attached exhibit A, Halo has now complied with all requirements and has filed an Application for Reinstatement with the Missouri Secretary of State. Included with that filing was the required "Certificate of Tax Clearance", issued by the Missouri Department of Revenue on May 11, 2012, and Halo's Annual Registration Reports for 2010, 2011 and 2012. The required rescission fee has been paid by credit card.

3. In their motion to dismiss, the Craw-Kan Telephone defendants suggest this case should be dismissed pursuant to RSMo. § 351.574.1 due to the administrative dissolution. Missouri law does not compel such a draconian result. RSMo. § 351.574.3 provides:

A court may stay a proceeding commenced by a foreign corporation, its successor, or assignee until it determines whether the foreign corporation or its successor requires a certificate of authority. If it so determines, the court may further stay the proceeding until the foreign corporation or its successor obtains the certificate.

4. Halo respectfully suggests that dismissal of this action while the parties await the Secretary of State's action on Halo's Application for Reinstatement would be an abuse of the discretion granted by RSMo. § 351.574.3. The substance of this case was originally raised in suits filed by the defendants against Halo. In those cases, RSMo. §351.574.5 permitted Halo to defend itself notwithstanding the revocation of its certificate of authority. Halo filed the present suit because the defendants chose to switch legal theories and proceed under the ERE rules. Under the ERE rules, 4 CSR §§ 240.29.120 and .130, Halo was compelled to file this suit, under protest, in order to preserve its rights.

5. Halo further suggests that because all necessary paperwork has now been filed with the Secretary of State, dismissal of this suit serves no valid purpose and will only lead to further litigation. Expedited treatment of the cases has been granted and a procedural schedule has been established. As noted by the Commission's Order of April 11, 2012, it is important that the Commission decide these disputes on the merits. An unnecessary dismissal on technical grounds does not further any regulatory purpose.

For the foregoing reasons, complainant Halo Wireless, Inc. respectfully requests that the motion to dismiss the Craw-Kan Telephone defendants be denied and for whatever other relief the Commission deems appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been filed with the Missouri Public Service Commission electronic filing system and has been e-mailed to the following counsel of record this 11th day of May, 2012:

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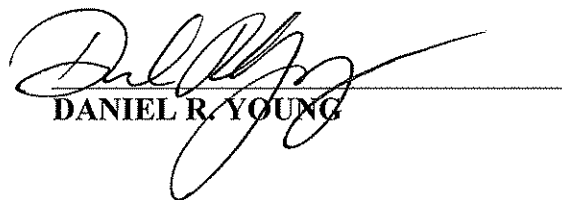
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