

In the Matter of the Cancellation of the)
 Certificate of Service Authority of) **File No. XD-2010-**
 1-800 Reconex, Inc.)

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel 1-800 Reconex, Inc.'s (Reconex or Company) certificate of service authority to provide competitive interexchange and nonswitched local exchange telecommunications services and the associated tariff. For this Motion, Staff respectfully states the following:

1. On March 2, 2001, the Commission issued an Order in Case No. TA-2001-389, granting a certificate of service authority to Reconex to provide competitive interexchange and nonswitched local exchange telecommunications services. The Order also approved Reconex's tariff, JX-2004-0411, Mo. P.S.C. Tariff No. 1.

2. Reconex was a registered Oregon corporation located at 9620 SW Barbur Blvd., Ste. 330, Portland, OR 97219, which was registered with the Missouri Secretary of State. According to the Missouri Secretary of State Office, Reconex failed to renew its fictitious name registration before October 17, 2009, and thus Reconex stands expired. According to section 417.210 RSMo Supp. 2008,

“Every person, general partnership, corporation, or other business organization who engages in business in this state under a fictitious name or under any name other than the true name of such person, general partnership, corporation, or other business entity shall, within five days after the beginning or engaging in business under such fictitious name file in a format as prescribed by the secretary of state. . . . All active fictitious name registrations filed prior to August 28, 2004, shall remain active on

the record of the secretary of state for a period of five years. Such registered fictitious name filing shall expire at the end of the five-year period unless a renewal is filed under subsection 9 of this section . . . The secretary of state may remove from its active records the registration of a fictitious name filing whose registration has been withdrawn, cancelled, or has expired.”

According to section 417.230 RSMo 2000,

“Any person who shall engage in or transact any business in this state under a fictitious name, as in sections 417.200 to 417.230 defined, without registering such name as herein required, shall be deemed guilty of a misdemeanor.”

Based on the failure of Reconex to renew its fictitious name and the penalty involved, Staff assumes that Reconex is no longer doing business in the state of Missouri.

3. In 2009, Reconex filed an annual report with the Missouri Public Service Commission and reported \$215,968.00 in Missouri Jurisdictional Revenue in 2008. Staff has been unable to contact Reconex. Emails sent to the Company’s given email address have been returned as “undeliverable” and a call made to the company said the number had been disconnected. As the company is delinquent in its assessment, may no longer lawfully conduct business in Missouri and cannot be reached, the Staff concludes that the company no longer conducts business in Missouri.

4. The Commission has the authority to cancel the certificate of service authority of a telecommunications corporation pursuant to section 392.410.5 RSMo, 2000, which states that “[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.”

5. According to Section 351.594 RSMo, 2000, service is proper on a foreign corporation,

“by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its . . .

most recent [SOS] annual report if the foreign corporation: (1) Has no registered agent or its registered cannot with reasonable diligence be served.”

The Company’s address provided in its most recent filing with the Secretary of State’s office is 9620 SW Barbur Blvd., Ste. 330, Portland, OR 97219.

WHEREFORE, Staff avers a good faith belief that 1-800 Reconex, Inc. is no longer doing business as a telecommunications company in the State of Missouri. The staff recommends that the Commission cancel the certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services and cancel its Tariff No. 1.

Respectfully submitted,

/s/ Matthew Imhoff

Matthew Imhoff

Rule 13 Certified

Intern for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
Matthew.Imhoff@psc.mo.gov

Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Andy Horton 9620 SW Barbur Blvd., Ste. 330, Portland, OR 97219; Capitol Corporate Services, Inc., 222 E. Dunklin Street, Suite 102, Jefferson City, MO 65101; and The Office of Public Counsel, 200 Madison Street, P.O. Box 2230, Jefferson City, MO 65102, opcservice@ded.mo.gov this 6th day of January, 2010, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Matthew Imhoff