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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Contingent Application of CFL, L.L.C.,)
and Its Subsidiary, Calls For Less, Inc.,)
and ILD Telecommunications, Inc., For)
Approval Nunc Pro Tunc of a Transfer)
of Control of Calls for Less, Inc., or)
Alternatively, for Retroactive Waiver of)
Section 392.300.2, RSMo.)

Case No. TM-99-336

ORDER DISMISSING CASE

On February 9, 1999, CFL, L.L.C., Calls for Less, Inc., and ILD Telecommunications, Inc. (collectively referred to as the Applicants), filed their "Contingent Application . . . For Approval Nunc Pro Tunc of a Transfer of Control of Calls for Less, Inc., or alternatively, [for] Retroactive Waiver of § 392.300.2, RSMo." On February 24, 1999, Staff filed its motion to dismiss for lack of jurisdiction. Pursuant to Regulation 4 CSR 240-2.080(12), parties are permitted ten days within which to respond to motions. Pursuant to Regulation 4 CSR 240-2.050(1), the ten-day response period expired on March 8, 1999. The Applicants herein have not responded to Staff's motion, and the motion shall be granted.

The Applicants filed their application due to uncertainty concerning the application of Section 392.300.2, RSMo 1994, to their transaction in which CFL, L.L.C., sold its wholly-owned subsidiary, Calls for Less, Inc., to ILD Telecommunications, Inc. The transaction was evidently consummated on August 11, 1998, long before the Applicants sought approval for the transaction from this Commission. None of the

three corporate applicants is a Missouri corporation and Staff has moved for the dismissal of the application on the theory that the cited section applies only to Missouri corporations. See Public Service Comm'n v. Union Pacific R. Co., 197 S.W. 39, 41 (Mo. banc 1917). The Commission agrees with Staff.

IT IS THEREFORE ORDERED:

1. That the application filed by CFL, L.L.C., Calls for Less, Inc., and ILD Telecommunications, Inc., is hereby dismissed.
2. That this order shall become effective on March 26, 1999.
3. That this case may be closed on March 29, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 16th day of March, 1999.

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COMMISSION ON JUDICIAL
PUBLIC UTILITIES COMMISSION