

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

In the Matter of the Cancellation of the Certificate     )  
of Service Authority and Accompanying Tariff         )     Case No. XD-2009-  
of Show-Me Long Distance, Inc.                             )

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE  
AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and moves that the Missouri Public Service Commission (the Commission) cancel the certificate of service authority and accompanying tariff of Show-Me Long Distance, Inc. (Show-Me or the Company). In support of its motion, Staff states as follows:

1. On March 27, 1992, the Commission issued a *Report and Order* in which it granted to Show-Me Long Distance, Inc. a certificate of service authority to provide intrastate interexchange telecommunications services, classified the Company as competitive, and ordered the Company to file tariffs within thirty (30) days of the effective date of the order<sup>1</sup>.

2. On April 7, 1992, Show-Me submitted its Missouri Telecommunications Tariff, labeled as P.S.C. MO – No. 1. This tariff is currently listed as the Company's active tariff in the Commission's Electronic Filing and Information System (EFIS).

3. On September 23, 1992, the Commission issued its *Order Withdrawing Notice Requirement and Approving Sale of Assets*, in which it approved the proposed sale of assets by Show-Me Long Distance, Inc. to CommuniGroup of K.C., Inc. (CommuniGroup). See Exhibit A. Neither an adoption notice of the tariff of Show-Me nor a request to cancel the tariff and/or

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<sup>1</sup> See *Report and Order*, Case No. TA-92-99, issued March 27, 1992, and effective April 6, 1992.

certificate of service authority of Show-Me were filed by either party in, or subsequent to, the asset transfer case.

4. Although CommuniGroup did not seek Commission approval for the use of the fictitious name CommuniGroup of K.C. d/b/a Show-Me Long Distance, it appears from a search of the Commission records that CommuniGroup filed an annual report with the Commission under such d/b/a for the years 1995 through 2001. This practice was apparently abandoned after 2001.

5. Subsequent to a Staff motion, on May 5, 2006, the Commission issued its *Order Canceling Certificate and Accompanying Tariff*, canceling the certificate of service authority and accompanying tariff of CommuniGroup of K.C., Inc. See Exhibit B.

6. The certificate of service authority and accompanying tariff of Show-Me Long Distance, Inc. have never been cancelled, and remain in effect to date.

7. The company contact information currently listed in the EFIS is as follows:

Show-Me Long Distance, Inc.  
6950 West 56<sup>th</sup> Street  
Mission, KS 66202

8. The Commission has the authority to cancel the certificate of service authority of a telecommunications corporation pursuant to Section 392.410.5 RSMo (2000)<sup>2</sup>, which provides 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.”

9. However, the Commission need not hold a hearing if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

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<sup>2</sup> All references to the RSMo are to the Missouri Revised Statutes (2000), as currently supplemented.

10. Show-Me is current in the payment of its Commission assessments and has no pending actions before the Commission.

**WHEREFORE**, Staff recommends the Commission cancel the certificate of service authority granted to Show-Me Long Distance, Inc, to provide intrastate interexchange telecommunications services and the Company's accompanying tariff P.S.C. MO - No. 1.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont  
Assistant General Counsel  
Missouri Bar No. 60892

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Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been delivered via certified mail to the following individuals this 18th day of May, 2009.

/s/ Eric Dearmont

Show-Me Long Distance, Inc.  
6950 West 56<sup>th</sup> Street  
Mission, KS 66202

At a Session of the Public Service Commission held at its office in Jefferson City on the 23rd day of September, 1992.

## ORDER WITHDRAWING NOTICE REQUIREMENT AND APPROVING SALE OF ASSETS

Sho-Me and CommuniGroup have contracted for Sho-Me to sell and CommuniGroup to purchase certain assets of Sho-Me, specifically the customer base, the Southwestern Bell Telephone Company (SWB) billing contract, all listed circuits leased by Sho-Me and approved by CommuniGroup, exclusive rights to the trade name, trademarks, copyrights and service marks, state corporate certification of good standing and franchise, records of billings and mailing counts, marketing material and methods relating to the State of Missouri and the

right to use such methods, and other assets related to the customer base. Details of this transaction are set out in an Asset Purchase and Sale Agreement on file with this Commission and protected as proprietary information by Commission rule.

On September 17, 1992, Commission Staff filed a memorandum recommending the Commission approve the transaction. Staff concluded that Sho-Me purchases long distance terminating service which is delivered to Sho-Me customers by SWB via a 950 number purchased from SWB. Sho-Me advertises the 950 number via direct mail and newspaper. Potential customers who dial the numbers 10778 (for equal access areas) or 950-1778 (for non-equal access areas) will employ this long distance service. This type of service is referred to as casual calling. Accounts are collected and taxes paid by SWB. Sho-Me has no pre-subscribed customers and retains no facilities in the State of Missouri. It is Staff's opinion that this transaction would be transparent to Sho-Me's customers since billing would continue to be done in Sho-Me's name and pursuant to Sho-Me's tariff. Also no service charge or interruption of service will be incurred by customers as a result of the sale.

The Commission finds, based on Staff's recommendation, that the proposed transaction is transparent and will have no adverse effect on customers. In addition, the buyer, CommuniGroup, is a relatively large company and has been doing business in Missouri under certification of convenience and necessity for some time. CommuniGroup is apparently also financially sound, as no evidence exists to indicate otherwise. Therefore, the Commission approves this transaction.

On August 14, 1992, the Commission issued an Order directing Applicants to notify customers of Sho-Me within 30 days of the proposed sale.

Subsequently, at the request of Staff, Applicants amended their joint application twice, once on August 28, 1992 and again on September 4, 1992, to

fully explain the exact nature of this transaction. Staff's recommendation was filed on September 17, 1992, recommending approval of the sale and requesting the previously ordered 30-day notice requirement be withdrawn. Staff's information in this matter was fully developed partly as a result of requiring Applicants to amend their application.

Staff and Applicants agree that as a result of the nature of the service, Sho-Me can identify its customers only with some difficulty and expense. Since customers are not pre-subscribed and use the service on a casual basis, billing is handled by the local exchange company (in this case SWB) and not Sho-Me. Sho-Me apparently receives payment for the service from the local exchange company without receiving any customer-specific information. Therefore, the Commission finds that notice is not necessary in this matter and withdraws its Order of August 19, 1992 requiring notice to customers.

IT IS THEREFORE ORDERED:

1. That the proposed sale of assets by Sho-Me Long Distance, Inc. to CommuniGroup of K.C., Inc. is approved as set out in the above-referenced Purchase and Sale Agreement and Second Amended Joint Application in this matter.
2. That Applicants are authorized to perform all things reasonably necessary to perform the joint transaction.
3. That nothing in this Order shall be considered as a finding by the Commission as to the value of the properties herein involved nor as to the value placed on them by Applicants.

4. That this order shall become effective on the 6th day of October,  
1992.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

McClure, Chm., Rauch, Perkins,  
and Kincheloe, CC., Concur.  
Mueller, C., Absent.

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff of Communigroup )  
of K.C., Inc. )

**Case No. XD-2006-0414**  
Tracking No. JX-2004-0418

**ORDER CANCELING CERTIFICATE**  
**AND ACCOMPANYING TARIFF**

Issue Date: May 5, 2006

Effective Date: May 15, 2006

On April 25, 2006, the Staff of the Commission filed a motion asking the Commission to cancel the certificate of service authority and accompanying tariff of Communigroup of K.C., Inc., a company that has been authorized to offer intrastate interexchange telecommunications services by the Commission.

In Case Number TA-87-51, the Commission granted Communigroup a certificate to provide intrastate interexchange telecommunications services. Communigroup's tariff, PSC Mo. No. 1, was also approved.

Staff's motion states that Communigroup failed to file its 2006 annual report with the Commission. Communigroup has paid all assessments through the third quarter of Fiscal Year 2006, but has not made any subsequent payments toward its Fiscal Year 2006 assessment. Communigroup has also filed for bankruptcy. Staff further indicated Communigroup no longer has customers in Missouri and its trustee requested the cancellation of its certificate



of service authority. Staff recommends that the Commission cancel the company's certificate of service authority and accompanying tariff, PSC Mo. No. 1, to provide intrastate interexchange telecommunications services.

The Commission has the authority to cancel a certificate and tariff pursuant to Section 392.410.5, RSMo, which states, in part, "[a]ny certificate or 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."

Based on Staff's motion and the trustee of Communigroup's request to cancel the certificate and tariff, the Commission finds that the certificate of service authority and accompanying tariff granted to Communigroup of K.C., Inc., shall be canceled.

**IT IS ORDERED THAT:**

1. The certificate of authority to provide intrastate interexchange telecommunications services granted to Communigroup of K.C., Inc., in Case Number TA-87-51 is canceled.
2. Communigroup of K.C., Inc.'s tariff, PSC Mo. No. 1, is canceled.
3. This order shall become effective on May 15, 2006.

4. This case may be closed on May 16, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

(SEAL)

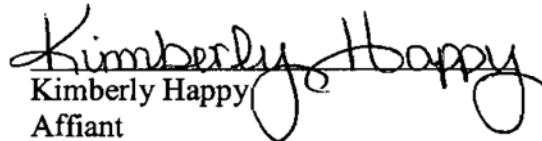
Colleen M. Dale, Chief Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri  
on this 5th day of May, 2006.

**VERIFICATION**

**STATE OF MISSOURI    )**  
**)**  
**COUNTY OF COLE        )**

Comes now Kimberly Happy, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.

  
Kimberly Happy  
Affiant

Subscribed and affirmed before me this 18<sup>th</sup> day of May, 2009. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 2-07-2010.

  
NOTARY PUBLIC



Janice E. Dodson  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cole County  
Commission # 06836440  
My Commission Expires: Feb. 7, 2010