

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

In the Matter of the Cancellation of the)
Certificates of Service Authority of)
M.L.M. Telecommunications, Inc. d/b/a)
Ameritel, Your Phone Company)

Case No. TD-2005-_____

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICES AUTHORITY
AND ASSOCIATED TARIFFS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificates of Service Authority it has granted to M.L.M. Telecommunications, Inc. d/b/a Ameritel, Your Phone Company, as well as the company's tariffs. In support of its Motion, the Staff respectfully states as follows:

1. In August 2002 in Case No. CA-2002-1140, the Missouri Public Service Commission (Commission) granted a certificate of service authority to M.L.M. Telecommunications, Inc. to provide basic local telecommunications services. M.L.M. Telecommunications, Inc. subsequently sought recognition of its d/b/a of Ameritel, Your Phone Company in Case No. CN-2003-0266. The company currently has two tariffs to provide services under this certificate of service authority, Missouri P.S.C. Tariff No. 1 and Mo. PSC No. 2.

2. In July 2003 in Case No. XA-2004-0018, the Commission granted a certificate of service authority to M.L.M. Telecommunications, Inc. d/b/a Ameritel, Your Phone Company to provide interexchange and non-switched local exchange telecommunications services. The company currently has a tariff to provide services under this certificate, Mo. P.S.C. No. 3.

3. On April 24, 2003, M.L.M. Telecommunications, Inc. sought bankruptcy protection under Chapter 11 of the Federal bankruptcy code in Petition 6:03-bk-72698 in the

Western District of Arkansas (Hot Springs). The case subsequently converted to Chapter 7 (liquidation) late in 2003.

4. The Missouri Secretary of State's office administratively dissolved the company, an Arkansas corporation, on October 22, 2004 because it failed to file its 2004 annual registration report. The company's status in its home state of Arkansas, according to the web site of the Arkansas Secretary of State, is "revoked as of December 31, 2004."

5. In March and again in April 2005, the undersigned attorney spoke with the U.S. Bankruptcy Trustee in this matter, Frederick S. Wetzel, III, who indicated that the Commission could cancel the company's certificate of service authority. According to the trustee, the company has ceased offering telephone service in Missouri and no longer provides service to Missouri customers. Private counsel for M.L.M. Telecommunications, Inc., in the bankruptcy matter withdrew from the case in January 2005 with no replacement and no longer represents the company, which is listed as "pro se" in the bankruptcy matter. The first page of the electronic docket sheet of the bankruptcy case is attached as Attachment A.

6. Copies of this Motion are being served upon the U.S. Bankruptcy Trustee in this matter. Mail sent to the address provided by the company to the Commission in Hot Springs, Arkansas for communications has been returned as undeliverable. See Attachment B. Copies are also being served via certified mail on the most recent address available for M.L.M. Telecommunications, based on information from the case *In Re: M.L.M. Telecommunications, Inc.*, Petition No. 6:30-bk-72698M (U.S. Bankr. Ct., W.D.Ark.).

7. The company has not submitted its 2003 annual report, nor has it paid its Fiscal Year 2005 assessment. That assessment, a small amount, was based on an estimate because the

company also failed to submit its Fiscal Year 2005 Statement of Revenue. All of these obligations accrued after the company sought bankruptcy protection.

8. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), which provides:

Any 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.

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. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

WHEREFORE, the Staff recommends the Commission cancel the certificates of service authority granted to M.L.M. Telecommunications, Inc. d/b/a Ameritel, Your Phone Company to provide basic local telecommunications services in Case No. CA-2002-1140, as well as the associated tariffs, Missouri P.S.C. Tariff No. 1 and Mo. PSC No. 2; and to provide interexchange and non-switched local exchange telecommunications services in Case No. XA-2004-0018, as well as the associated tariff, Mo.P.S.C. No. 3.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 12th day of April 2005.

/s/ David A. Meyer

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