

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

In the Matter of the Transfer of )  
Customers of TNCI Operating ) **File No. TM-2016-0309**  
Company, LLC to Matrix Telecom, LLC )

**MOTION TO DISMISS**

**COMES NOW** the Staff of the Missouri Public Service Commission and moves the Missouri Public Service Commission (Commission) to dismiss the application to transfer customers and states as follows:

1. On May 18, 2010, Matrix Telecom, LLC (“Matrix”) asked the Commission to approve a transfer of customers from TNCI Operating Company, LLC (TNCI) to Matrix.

2. Both Matrix and TNCI are alternative local exchange telecommunications companies, as well as interexchange telecommunications companies.

3. Effective August 28, 2008, §392.420 RSMo Supp. 2009 provides that “for all existing alternative local exchange telecommunications companies, the commission shall waive...the application and enforcement of ...section ...392.300...,” which was the only section of Chapters 386 or 392 RSMo 2000 that may have required Commission approval. In addition, §392.611 RSMo 2013 provides that

“a telecommunications company certified under this chapter ... shall not be subject to any statute in chapter 386 or this chapter ... that imposes duties, obligations, conditions or regulations on retail telecommunications services to end user customers[.]”

4. Approval or denial of the Application would constitute “application and enforcement” of §392.300 or impose a regulation on retail telecommunications service.

Therefore, the Commission should dismiss the Application, without granting or denying the relief requested in it, and inform the applicants that the requirement to obtain Commission approval for the transfer of assets, to the extent it ever applied to them, no longer applies.

**WHEREFORE,** the Staff respectfully moves the Commission dismiss the Application for Approval of Transfer of Customers.

Respectfully submitted,

**/s/ Mark Johnson**

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 25<sup>th</sup> day of May, 2016.

A handwritten signature in black ink, appearing to be "All Day".