

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

In the Matter of the Cancellation of the )  
Certificates of Service Authority and )  
Tariff of Universal Access, Inc. )

Case No. TD-2007-\_\_\_\_\_

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

**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 Universal Access, Inc., as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. On March 20, 2000, in Case No. TA-2000-483, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to Universal Access, Inc. to provide interexchange telecommunications services. The Commission approved the company's tariff, P.S.C. Mo. Tariff No. 1, in the same case.

2. On April 20, 2000, in Case No. TA-2000-481, the Commission issued an order granting a certificate of service authority to Universal Access, Inc. to provide local and basic local exchange telecommunications services. The company has never filed a tariff.

3. In August 2004, Universal Access, Inc. voluntarily sought bankruptcy protection under Chapter 11 (reorganization) of the Federal bankruptcy code in the Northern District of Illinois in Bankruptcy Petition #04-28747. Subsequently, the bankruptcy court approved a joint proposal entailing liquidation of the company and that liquidation is underway.

4. On October 11, 2006, the consultant retained by the bankruptcy trustee for Universal Access, Inc. communicated with counsel for the Commission indicating that the

trustee and consultant had no objection to Universal Access, Inc.'s certificate cancellation. See Appendix A.

5. The web site of the Office of the Missouri Secretary of State reports that the authority of Universal Access, Inc. to do business in Missouri was revoked on September 14, 2005 because the company failed to file its Annual Registration Report. Section 351.602.3 RSMo. (2000) states that “[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.”

6. In keeping with indications that the company has ceased operations and is being liquidated, Universal Access, Inc. has not submitted its 2005 annual report to the Commission, although it has submitted all prior reports. The company owes no assessments. No customers have contacted the Commission to make complaints about Universal Access, Inc. since the commencement of the Commission's Electronic Filing and Information System.

7. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), 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).

8. Copies of this Motion are being served upon the company's Missouri registered agent via certified mail; and also upon the company's bankruptcy trustee and its consultant. This Motion is not being served upon the company-provided address because it is no longer valid. See Appendix B.

WHEREFORE, the Staff recommends the Commission cancel the Certificates of Service Authority it has granted to Universal Access, Inc. to provide intrastate interexchange, local and basic local telecommunications services in Case Nos. TA-2000-483 and TA-2000-481, as well as the company's tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

/s/ **David A. Meyer**

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David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[david.meyer@psc.mo.gov](mailto:david.meyer@psc.mo.gov)

### **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 13<sup>th</sup> day of October 2006.

/s/ **David A. Meyer**

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Office of the Public Counsel  
Governor Office Building, Suite 650  
200 Madison Street  
P. O. Box 7800  
Jefferson City, MO 65102

Technologies Management Inc.  
Attention: Craig Neeld  
210 North Park Avenue  
Winter Park, FL 32789

National Registered Agents, Inc.  
Registered Agent for Universal Access, Inc.  
300-B East High Street  
Jefferson City, MO 65101  
*(via certified mail)*

Joseph Myers  
Clear Thinking Group  
Trustee for Universal Access, Inc./UAI, Inc.  
401 Towne Centre Drive  
Hillsborough, NJ 08844

**Meyer, David**

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**From:** Craig Neeld [cneeld@tminc.com]  
**Sent:** Thursday, October 05, 2006 4:24 PM  
**To:** Meyer, David  
**Cc:** Trish Kirby; Kathy Steinke  
**Subject:** RE: Universal Access, Inc. certification at the Missouri Public Service David,

If an affirmative reply is all that's necessary to begin the process to withdraw UAI's certification in Missouri, then please take this reply as a yes and proceed with the process. If you need anything else from us, please let me know.

Thanks,  
Craig

-----Original Message-----

**From:** Meyer, David [mailto:david.meyer@psc.mo.gov]  
**Sent:** Thursday, October 05, 2006 4:39 PM  
**To:** cneeld@tminc.com  
**Subject:** FW: Universal Access, Inc. certification at the Missouri Public Service Commission

As we discussed, here is what I have or have been told regarding Universal Access.  
David

*David A. Meyer  
Senior Counsel  
Missouri Public Service Commission  
voice (573) 751-8706  
fax (573) 751-9285  
david.meyer@psc.mo.gov*

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**From:** Joseph Myers [mailto:jmyers@clearthinkinggrp.com]  
**Sent:** Friday, July 07, 2006 10:45 AM  
**To:** Meyer, David  
**Cc:** McGuire, Daniel; rob.figus@vanco-us.com  
**Subject:** RE: Universal Access, Inc. certification at the Missouri Public Service Commission

Mr.. Meyer

UAI, Inc the successor to Universal Access will have 2005 financials in the near future and will file them with the Missouri Public Service Commission. With respect to terminating our business in Missouri, as Trustee, I am in the process of terminating all Licenses. Our agent, TMI will do so in the near future.

I have copied Rob Figus of Vanco, Inc. on this Memo and will ask him to respond as to the intent of Vanco to continue providing service in Missouri.

I hope this action meets your approval. I am available via telephone or email should you have any additional questions pertaining to UAI's business in Missouri.

Joe Myers  
UAI, Inc  
Trustee

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**From:** Meyer, David [mailto:david.meyer@psc.mo.gov]  
**Sent:** Friday, July 07, 2006 11:14 AM  
**To:** Joseph Myers  
**Subject:** FW: Universal Access, Inc. certification at the Missouri Public Service Commission

10/12/2006

Appendix A

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**From:** Meyer, David  
**Sent:** Tuesday, June 27, 2006 5:40 PM  
**To:** 'mmalada@clearthinkinggrp.com'  
**Subject:** Universal Access, Inc. certification at the Missouri Public Service Commission

Mr. Myers,

I have been provided your name by Universal Access, Inc.'s regulatory consultants as an individual responsible for the disposition of Universal Access, Inc. I understand that the company is being liquidated in the course of the bankruptcy matter (Bankruptcy Petition #: 04-28747 in the Northern District of Illinois (Chicago)). I am an attorney at the Missouri Public Service Commission, which granted Universal Access, Inc. a certificate of service authority to provide telecommunications services. I am writing to request your permission to seek cancellation of the company's certificate.

Although Universal Access, Inc. does not owe the Commission any money, as a regulated entity it does have certain requirements it must comply with, primarily encompassing the duty to submit an annual report. The company has failed to do so. Although we do not intend to undertake an enforcement action at this time, if the company wishes to keep its certificate, it must come into compliance.

If you agree that the company's certificate may be cancelled, please reply to this email to that effect. Alternatively, please reply via fax or letter. In your response, please indicate that its services have ceased. My review of the Commission's records relating to the company indicates that in the first few years of its certification here it did have Missouri customers and at the time complied with all filing and assessment requirements.

I am attaching a copy of the pleading I intend to file if I receive your permission, and will complete the fourth paragraph based upon your response, which I will likely attach as an exhibit to the pleading as well.

<<TD-2006-0 Universal Access.doc>>

I look forward to your reply.

Sincerely,

David Meyer

David A. Meyer

Senior Counsel

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

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fax (573) 751-9285

david.meyer@psc.mo.gov

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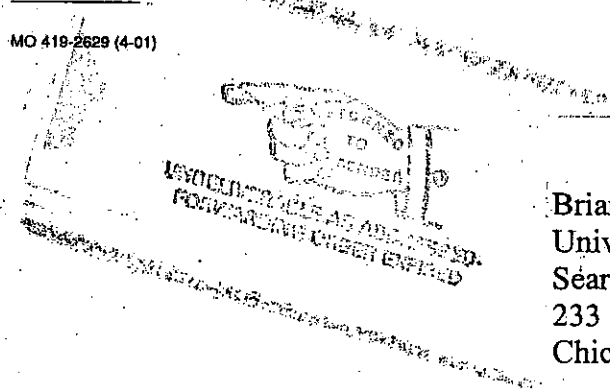
*Missouri Public Service Commission*

Administration Division

P.O. Box 360

Jefferson City, Missouri 65102

MO 419-2629 (4-01)



Brian Coderre  
Universal Access, Inc.  
Sears Tower  
233 S. Wacker Dr., Ste. 600  
Chicago IL 60606



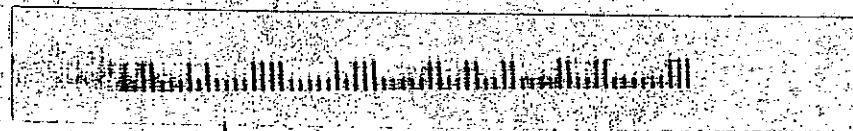
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JAN 20 2006

BUDGET & FISCAL SVCS  
MO. P.S.C.

ASSESSMENT

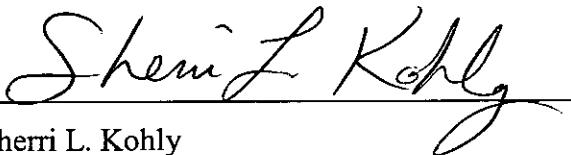
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**VERIFICATION**

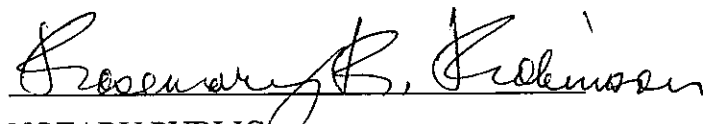
STATE OF MISSOURI    )  
                                  )  
COUNTY OF COLE     )

Comes now Sherri L. Kohly, employee of the Staff 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.



Sherri L. Kohly  
Affiant

Subscribed and affirmed before me this 12<sup>th</sup> day of October 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 9-23-2008.

  
NOTARY PUBLIC

