

**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 Cybertel,)
Communications Corp.)

Case No. XD-2005-_____

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Cancel Certificate of Service Authority and Tariff, respectfully states as follows:

1. In December 2000, the Missouri Public Service Commission (Commission) issued its order in Case No. TA-2001-325, granting Cybertel, Communications Corp. a certificate of service authority to provide intrastate interexchange telecommunications services. The Commission also approved its tariff, P.S.C. Mo. Tariff No. 1, in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Cybertel, Communications Corp, a Nevada corporation, was revoked September 4, 2002 because the company failed to file its Annual Registration Report.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.”

3. Counsel for Staff communicated with Cybertel, Communications Corp. by telephoning the number the company provided to the Commission. The company representative indicated that the company had not been in business in Missouri, was no longer involved in provision of service of the type regulated by the Commission, and did not wish to keep its

certificate of service authority. However, the company has not been willing to provide a promised letter to this effect.

4. Publicly available information about the company indicates that the company is no longer a telecommunications reseller. See Appendix A.

5. Cybertel, Communications Corp. has never submitted an annual report to the Commission. It owes its Fiscal Year 2004 assessment, which was a minimal amount and was assessed based upon an estimate because the company also failed to submit a Statement of Revenue for the relevant period. The company does not owe any other assessments.

6. Because Cybertel, Communications Corp. no longer has authority to transact business in Missouri, and because it is no longer providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling Cybertel, Communications Corp.'s certificate and tariff.

7. 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).

8. This pleading is being served both on the address provided by the company to the Commission as the current, accurate address via certified mail, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority granted Cybertel, Communications Corp. to provide interexchange telecommunications services, as well as its accompanying tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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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 7th day of June 2005.

/s/ David A. Meyer

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200 Madison Street
P. O. Box 7800
Jefferson City, MO 65102

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Registered Agent for Cybertel, Communications Corp.
300-B East High Street
Jefferson City, MO 65101

Cybertel, Communications Corp.
9444 Waples St., Suite 290
San Diego, CA 92121
(via certified mail)

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Cybertel Capital Corporation Company Profile

Cybertel Capital (formerly Cybertel Communications) is playing the cyber-name game. Through its telecom subsidiary, Cybertel Communications, the company operates as an agent rather than a reseller or facilities-based carrier. With the new name, Cybertel Capital plans to operate as a business development company and to acquire companies that it believes have a potential to become public companies. It has acquired a 51% interest in Bakersfield, California-based oil and gas producer Core Energy. Cybertel also has made investments in online storage firm bigVault and charitable giving program The Giving Card. CEO Richard Mangiarelli owns 46% of the company; CFO Richard Schmidt owns 30%.

Contact Information

Address: 9444 Waples St., Ste. 290
 San Diego, CA 92021
 Phone: 858-646-7410
 Fax: 858-646-7414

Financial Highlights

Fiscal Year End: December
 Revenue (2003): 0.80 M
 Revenue Growth (1 yr): (-27.70%)
 Employees (2003): 9
 Employee Growth (1 yr): 0.00%

Key People

- President, CEO, and Director: Richard D. Mangiarelli
- CFO and Director: Richard F. Schmidt

Headlines for Cybertel Capital Corporation

- CYBERTEL CAPITAL CORP Files SEC form 10KSB, Annual Report
[EDGAR Online](#) - Thu Jun 2
- CYBERTEL CAPITAL CORP Files SEC form 8-K/A, Termination Material Agreement, Financial Statements and Exhibits
[EDGAR Online](#) - Tue May 10
- Cybertel's Cyberphone Commercial to Be Broadcast Over Latin American and South American TV Stations
[Market Wire](#) - Thu Apr 28
- Cybertel Makes It Easier for Military in Iraq to Call Home With CyberPhone
[Market Wire](#) - Thu Mar 31

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Industry Information

Sector: Financial
 Industry: Diversified Investments

Appendix A

- Property & Casualty Insurance
- Semiconductor - Broad Line
- Telecom Services - Domestic
- Tobacco Products, Other

More on Cybertel Capital Corporation

- Quote
- Financials
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- Reports

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