

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff)
of Axces, Inc.)

Case No. XD-2006-_____

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificate of Service Authority it has granted to Axces, Inc., as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. Axces, Inc. was certificated by this Commission to provide intrastate interexchange telecommunications services on December 21, 1995, in Case No. TA-96-95. The Commission approved the company's tariff, Mo. P.S.C. No. 1, in the same case.

2. Axces, Inc. is a Delaware corporation, and its authority to do business in the state of Missouri was revoked September 14, 2005 for failing to file its annual registration report, according to the Missouri Secretary of State's office. 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. The telephone number provided to the Commission no longer reaches the company. However, mail sent to the address provided by the company has not been returned to the Commission as undeliverable.

4. In keeping with indications that the company has ceased operations, Axces, Inc. has not submitted a 2005 annual report or a fiscal year 2007 statement of revenue to the Commission. The company attempted to pay its most recent annual assessment for Fiscal Year

2006, which was a minimal amount, but its check failed to clear. Although the Commission returned it to the company and requested that the check be reissued, the company failed to do so. The company owed no prior assessments. No customers have contacted the Commission to make complaints about Axces, Inc. since the commencement of the Commission's Electronic Filing and Information System.

5. Undersigned counsel contacted the attorney listed on the company's 2003 annual report, but that individual indicated that to the best of his knowledge, the company was no longer operational.

6. Because Axces, Inc. no longer has authority to transact business in Missouri, and because it has apparently ceased to exist and cannot be contacted, the Staff recommends that the Commission issue an order canceling Axces, Inc.'s certificate and tariff.

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 via certified mail upon company's registered agent. Service is also being made upon the company at the address it has provided to the Commission.

WHEREFORE, the Staff recommends the Commission cancel the Certificate of Service Authority it has granted to Axces, Inc. to provide intrastate interexchange telecommunications services in Case No. TA-96-95, as well as the company's tariff, Mo. P.S.C. No. 1.

Respectfully submitted,

/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 20th day of June 2006.

/s/ **David A. Meyer**

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

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

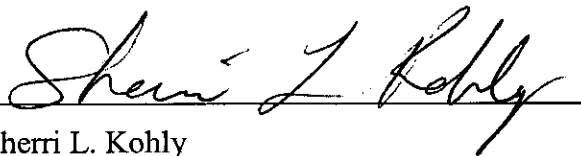
Axces, Inc.
2500 Wilcrest #540
Houston, TX 77042

With courtesy copy to:
Brendan Cook
1301 McKinney, Suite 3300
Houston, TX 77010

VERIFICATION

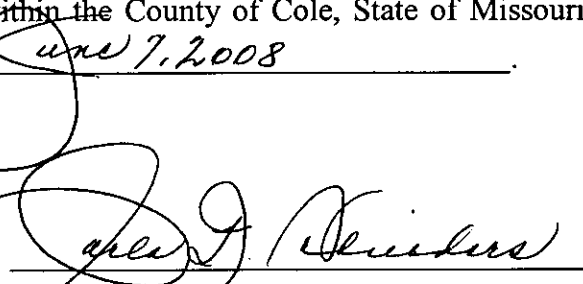
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 20th day of June 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

