

**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 Universal)
Broadband Communications, Inc. d/b/a)
Business Savings Plan)

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 for its Motion to Open Case and Cancel Certificate of Service Authority and Tariff, respectfully states as follows:

1. In April 2002, the Missouri Public Service Commission (Commission) issued its order in Case No. TA-2002-439, granting Universal Broadband Communications, Inc. d/b/a Business Savings Plan 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reports that the certificate of authority granted to Universal Broadband Communications, Inc., a Nevada corporation, was revoked February 19, 2004 because the company failed to file its Annual Registration Report.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.” The fictitious name “Business Savings Plan” has been registered with the Missouri Secretary of State, but that registration requires no ongoing filings and does not terminate without action from the registered entity.

3. Mail sent to the address provided by the company has been returned to the Commission as undeliverable. See Appendix A.

4. Counsel for Staff attempted to contact the company using the telephone number provided to the Commission. That telephone number now is a customer service number for another company regulated by the Commission. The operator on the line indicated that Universal Broadband Communications, Inc. d/b/a Business Savings Plan had ceased operations and that the entity itself had been acquired by the new company. However, at the time of the acquisition, Universal Broadband Communications, Inc. d/b/a Business Savings Plan had no Missouri customers.

5. This statement is supported by the fact that the Commission never assessed Universal Broadband Communications, Inc. d/b/a Business Savings Plan for an amount other than \$0.00. The company has not filed an annual report since receiving its certification.

6. Because Universal Broadband Communications, Inc. d/b/a Business Savings Plan no longer has authority to transact business in Missouri, because it does not provide telecommunications service in Missouri, and because it has apparently ceased to exist and cannot be contacted, the Staff recommends that the Commission issue an order canceling Universal Broadband Communications, Inc. d/b/a Business Savings Plan'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 in its tariff filing and a different address reflected by the Commission's Electronic Information and Filing System, as well as upon its Missouri registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority granted Universal Broadband Communications, Inc. d/b/a Business Savings Plan 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
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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 11th day of July 2005.

/s/ David A. Meyer

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

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Irvine, CA 92623-6908

Universal Broadband Communications, Inc.
d/b/a Business Savings Plan
18200 Von Karman Avenue, 10th Floor
Irvine, California 92612

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Registered Agent for
Universal Broadband Communications, Inc.
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Jefferson City, MO 65101
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Missouri Public Service Commission

Administration Division

P.O. Box 360

Jefferson City, Missouri 65102

MO 419-2629 (4-01)

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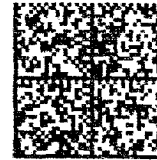
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Appendix A

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