

**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 Popp Telecom)
Incorporated.)

Case No. XD-2006-

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel Popp Telecom Incorporated's certificate of service authority to provide intrastate interexchange telecommunications services as well as its tariff. In support of its Motion, Staff respectfully states as follows:

1. On June 14, 1995, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Popp Telecom Incorporated, in Case No. TA-95-301. The Commission also approved Popp Telecom Incorporated's tariff, P.S.C. Mo. No. 1.

2. Popp Telecom Incorporated has indicated in its confidential Statement of Revenue it submitted to the Commission that it is no longer in business. In that document, the company's representative indicated that it was reporting no Missouri jurisdictional revenue and that it no longer wished to maintain its operating certificate in Missouri. The notarized statement of revenue containing this statement was submitted to the Commission by the assistant controller of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System.

3. Popp Telecom Incorporated has no past due annual reports or assessments to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

4. Popp Telecom Incorporated is a Minnesota corporation, and its authority to do business in the state of Missouri was revoked October 22, 2004 for failing to file its annual registration report, according to the Missouri Secretary of State's office.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."

5. Because Popp Telecom Incorporated has requested cancellation of its certificate and because it is not providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling Popp Telecom Incorporated's certificate and tariff.

6. 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).

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

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Popp Telecom Incorporated to provide intrastate interexchange telecommunications services and the accompanying tariff, P.S.C. Mo. No. 1.

Respectfully submitted,

/s/ **David Meyer**

David 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 return receipt requested or electronically to all counsel of record as shown on the attached service list this 14th day of April, 2006.

/s/ **David A. Meyer**

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

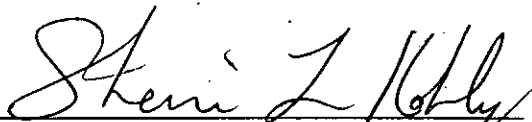
CT Corporation Systems
Registered Agent for Popp Telecom Incorporated
120 South Central Ave.
St. Louis, MO 63105

Popp Telecom Incorporated
620 Mendelssohn Avenue North
Golden Valley, MN 55427
(Via Certified Mail)

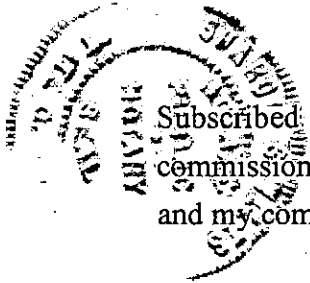
VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF COLE)

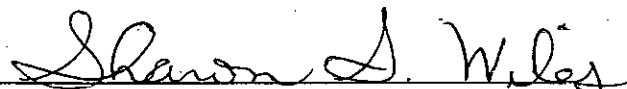
Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly
Affiant



Subscribed and affirmed before me this 13th day of April 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on September 11, 2006.



NOTARY PUBLIC

