

**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 Twister Communications Network, Inc.)

Case No. XD-2005-_____

**MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE AUTHORITY
AND ASSOCIATED 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 Twister Communications Network, Inc., as well as the company's tariff. In support of its Motion, the Staff respectfully states:

1. In August 1999 in Case No. TA-2000-40, the Missouri Public Service Commission (Commission) granted a certificate of service authority to Twister Communications Network, 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 May 23, 2000, Twister Communications Network, Inc. involuntarily entered into bankruptcy protection under Chapter 11 of the Federal bankruptcy code in the Southern District of Texas in Bankruptcy Petition #00-34799. The case subsequently converted to Chapter 7 status (liquidation).

3. On March 17, 2005, the Chapter 7 trustee for Twister Communications Network, Inc.'s estate communicated with counsel for the Commission indicating that he had no objection to Twister Communications Network, Inc.'s certificate cancellation. See Appendix A.

4. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Twister Communications Network, Inc., a Texas corporation,

was revoked August 28, 2000 because the company failed to file its Annual Registration Report.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.”

5. In keeping with indications that the company filed for bankruptcy protection in 2000 and has ceased operations and is being liquidated, Twister Communications Network, Inc. has not submitted Annual Reports for a number of years. The company owes only a minimal, estimated Fiscal Year 2003 assessment.

6. 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).

7. Copies of this Motion are being served upon the address provided by the company via certified mail, which is also the company’s bankruptcy trustee’s address; and also upon the address reflected in the pre-bankruptcy records for the company itself.

WHEREFORE, the Staff recommends the Commission cancel the cancel the Certificate of Service Authority it has granted to Twister Communications Network, Inc. to provide intrastate interexchange telecommunications services in Case No. TA-2000-40, as well as the company’s tariff, P.S.C. Mo. Tariff No. 1.

Respectfully submitted,

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/s/ David A. Meyer

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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 24th day of May 2005.

/s/ David A. Meyer

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