

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and) Case No. XD-2005-
Accompanying Tariff of Jirehcom, Inc.)

**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 requests that the Commission cancel the certificate of service authority and accompanying tariff of Jirehcom, Inc. In support of its motion, Staff respectfully states as follows:

1. On August 10, 2000, the Missouri Public Service Commission (Commission) granted certificate of service authority to provide interexchange and non-switched local exchange telecommunications service to JirehCom, Inc. (JirehCom) in Case No. TA-2000-848. The company's tariff, Missouri P.S.C. Tariff No. 1, was approved 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the Missouri Secretary of State reports that the certificate of authority granted to Jirehcom, an Illinois corporation, was revoked October 22, 2004 because the company failed to file its Annual Registration Report. Section 351.602.3 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. JirehCom, Inc. is listed as not in good standing in its native state of Illinois, according to the web site of the Illinois Secretary of State.

4. JirehCom's mail has been returned by the post office as undeliverable. A returned envelope is attached to this Motion as Attachment A. JirehCom's telephone number has been disconnected. Jirehcom has provided to the Commission the following address:

114 Eastwood Drive
East Peoria, IL 61611-1586

At the Missouri Secretary of State's Office, the company provided the following address in its most recent Annual Registration Report:

3880 North Main Street
East Peoria, IL 61611

At the Illinois Office of the Secretary of State, the company has provided another address as that of its president:

214 Eastwood Drive
East Peoria, IL 61611

5. JirehCom also owes a minimal past-due assessment for FY2005.

6. Staff believes that JirehCom has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and its failure to pay its assessment. Section 392.210(2) RSMo. (2000) states, among other things, "The commission shall at all times have access to all accounts, records and memoranda kept by telecommunications companies..." Because JirehCom has failed to keep the Commission informed of a current address or telephone number, the Commission is unable to contact JirehCom. Therefore, JirehCom has denied the Commission access that is required of the Commission under Section 392.210(2) RSMo. (2000). Certainly, JirehCom has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250 RSMo. (2000).

7. The Commission has the authority to cancel a telecommunications company 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. Because JirehCom has not informed Staff of its current address and phone number, Staff is unable to provide service of this pleading to JirehCom directly. Therefore, the Staff is serving this pleading via certified mail on the registered agent of JirehCom as listed on the website of the Secretary of State. Section 351.594.1 RSMo. (2000) provides that “the registered agent of a foreign corporation authorized to transact business in this state is the corporation’s agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.”

9. Staff is also serving this pleading upon the other two addresses listed in paragraph 4 above in the event that they are accurate, even though they have not been provided to the Commission by the company.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of JirehCom, Inc. to provide interexchange and non-switched local exchange telecommunications service and the accompanying tariff, Missouri P.S.C. 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 30th day of March 2005.

/s/ David A. Meyer

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

JirehCom, Inc.
214 Eastwood Drive
East Peoria, IL 61611

John B. Hearne
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