

**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       )  
Twister Communications Network, Inc.                       )     **Case No. XD-2005-0435**

**ORDER CANCELING CERTIFICATE AND TARIFF**

Issue Date: June 9, 2005

Effective Date: June 19, 2005

This order cancels the certificate of service authority to provide interexchange telecommunications services granted to Twister Communications Network, Inc., along with its accompanying tariff.

On May 24, 2005, the Staff of the Missouri Public Service Commission filed its motion to open a case and cancel Twister's certificate of service authority. Staff states that the Commission granted Twister a certificate of service authority to provide intrastate interexchange telecommunications services in Case No. TA-2000-40. The Commission also approved Twister's tariff, P.S.C. MO. Tariff No. 1, in that same case.

Staff states that on May 23, 2000, Twister involuntarily entered into bankruptcy protection under Chapter 11 of the federal bankruptcy code in the Southern District of Texas, in Bankruptcy Petition No. 00-34799. The case was subsequently converted to Chapter 7 status (liquidation). On March 17, 2005, the Chapter 7 trustee for Twister notified the Commission's counsel that he had no objection to cancellation of Twister's certificate of service authority.

Staff also notes that the Missouri Secretary of State's web site indicates that the certificate of authority granted to Twister, a Texas corporation, was revoked on August 28,

2000, because the company failed to file its Annual Registration Report. Section 351.602.3, RSMo 2000, provides 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 Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, which states, “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.” Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.<sup>1</sup>

The Commission has reviewed the motion and finds that it is reasonable to cancel Twister’s certificate of service authority. In addition, the Commission finds that it would be in the public interest to cancel the tariff of the company. Therefore, the certificate of service authority granted to Twister in Case No. TA-2000-40, along with its accompanying tariff, will be canceled.

**IT IS THEREFORE ORDERED:**

1. That the certificate of service authority granted in Case No. TA-2000-40 to Twister Communications Network, Inc., along with its accompanying tariff, P.S.C. MO. Tariff No. 1, is canceled.
2. That this order will become effective on June 19, 2005.

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<sup>1</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

3. That this case may be closed on June 20, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

( S E A L )

Vicky Ruth, Senior Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 9th day of June, 2005.