

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and)
Accompanying Tariffs of Telefyne)
Incorporated.)

Case No. XD-2006-

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

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

1. On July 26, 2001, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide intrastate interexchange telecommunications services to Telefyne Incorporated, in Case No. TA-2001-683. The Commission also concurrently approved Telefyne Incorporated's tariffs, P.S.C. Mo. Tariff No. 1 and subsequently approved a second tariff, P.S.C. MO. No. 2.

2. Telefyne 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 president of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System.

3. Telefyne 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. Telefyne Incorporated is a Nevada corporation, and its authority to do business in the state of Missouri was revoked January 14, 2002 for failing to file its annual registration report, according to the Missouri Secretary of State's office.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 Telefyne 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 Telefyne 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 Telefyne Incorporated to provide intrastate interexchange telecommunications services and the accompanying tariffs, P.S.C. Mo. No. 1 and P.S.C. MO. No. 2.

Respectfully submitted,

/s/ **David Meyer**

David Meyer
Senior Counsel
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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 23rd day of May, 2006.

/s/ **David A. Meyer**

Office of the Public Counsel
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Registered Agent for Telefyne Incorporated
222 E Dunklin Ave.
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Telefyne Incorporated
4286 Woodbine Road, Suite B
P. O. Box 2251
Pace, FL 33571
(Via Certified Mail)

VERIFICATION

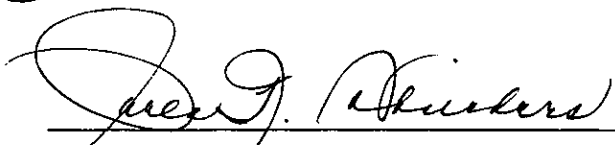
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 22nd day of May 2006. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

