

**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 A.B.T.S.)
International Corp. d/b/a Intelnet)

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 requests that the Commission cancel the certificate of service authority and accompanying tariff of A.B.T.S. International Corp. d/b/a Intelnet. In support of its motion, Staff respectfully states as follows:

1. On April 2, 1996, the Missouri Public Service Commission (Commission) granted a certificate of service authority to provide interexchange telecommunications service to A.B.T.S. International Corp. d/b/a Intelnet (Intelnet) in Case No. TA-96-282. The company's tariff, P.S.C. Mo. 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reports that the certificate of authority granted to "A.B.T.S. International Corp.," a New Jersey corporation, was withdrawn on December 22, 1998. 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." The company has registered the fictitious name "Intelnet," and that name requires no additional filings with the Secretary of State.

3. Intelnet's mail has been returned by the post office as undeliverable. The mail had been sent to the address provided to the Commission by the company. See Appendix A.

4. According to the Commission's records, Intelnet has never submitted annual reports to this Commission since receiving its certificate in 1996. They do not owe any Commission assessments. For reasons that are unclear, it is possible this company did not receive communications from the Commission for a number of years and was not listed as an active company in the Commission's databases.

5. Staff believes that Intelnet has violated the terms of its certificate by its failure to keep the Commission informed of its current address and its failure to file annual reports. 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 Intelnet has failed to keep the Commission informed of a current address, the Commission is unable to contact Intelnet. Therefore, Intelnet has denied the Commission access that is required of the Commission under Section 392.210 (2), RSMo 2000. Certainly, Intelnet has denied the Commission its ability to supervise telecommunications operations and services as statutorily mandated under Section 386.250, RSMo 2000.

6. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410.5, RSMo 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. Because Intelnet has not informed Staff of its current address, Staff is unable to provide service of this pleading to Intelnet. Therefore, the Staff is serving this pleading on the

registered agent of Intelnet as listed on the website of the Secretary of State. Section 351.380(1), RSMo 2000, the statute governing service of process on registered agents, provides:

“The registered agent so appointed by a corporation upon whom any process, notice or demand required or permitted by law to be served upon a corporation may be served.”

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of A.B.T.S. International Corp. d/b/a Intelnet to provide interexchange telecommunications service and the accompanying tariff, Missouri P.S.C. Tariff No. 1.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

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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 below this 11th day of July, 2005.

/s/ **David A. Meyer**

Secretary of State
Registered Agent for A.B.T.S. International Corp. d/b/a Intelnet
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MO 419-2651 (9-01)



Intelnet
444 Kelley Drive
Berlin, NJ 08091

☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN ☐ OTHER
☐ S ☐ NO SUCH NUMBER/ STREET
☒ NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

RTS
RETURN TO SENDER

65102-0360

