

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

In the Matter of the Discontinuance of the ) **File No. XD-2023-0XXX**  
Certificate of Service for Opex Communications Inc. ) File No. JX-2003-0769

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves for the Missouri Public Service Commission (Commission) to cancel the certificate to provide interexchange and non-switched local exchange service authority and applicable tariff of Opex Communications, Inc. (Company) and states:

1. The Commission previously granted a certificate to the Company to provide interexchange and non-switched local exchange service authority in Case No. TA-2000-0030 on September 7, 1999.

2. The Company failed to submit an annual report to the Missouri Commission for calendar years 2020 and 2021. The requirement of a telecommunications company to file an annual report is identified in Sections 392.210 and 392.390, RSMo, and 20 CSR 4240-28.012(1)(A). The Company has not responded to Staff's contacts to resolve the deficiency.

3. The Company failed to file its Statement of Revenue report for calendar year 2020 and pay the Missouri Commission annual assessment for fiscal years 2020, 2022 and 2023.<sup>1</sup> The requirement to file a Statement of Revenue report is identified in 20 CSR 4240-28.012(1)(B). The requirement to pay the Missouri Commission assessment is identified in Section 386.370, RSMo and 20 CSR 4240-28.012(2)(A). The Company has not responded to Staff's contacts to resolve these deficiencies.

<sup>1</sup> A company's assessment amount is determined by a factor identified on the commission's website and applied to a company's Missouri jurisdictional revenue identified on its Statement of Revenue report. If a company fails to file a Statement of Revenue report then the company's assessment is calculated using a Commission approved formula.

4. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides “[a]ny 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.”

4. 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. W.D. 1989).

**WHEREFORE**, Staff respectfully recommends the Commission cancel the certificate of service authority to provide interexchange and non-switched local exchange and the applicable tariff of Opex Communications, Inc., and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

**/s/ Whitney Scurlock**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, to all parties or their representatives pursuant to the Service List maintained by the Commission’s Data Center for this file, on this 24<sup>th</sup> day of March, 2023.

**/s/Whitney Scurlock**