

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

In the Matter of the Name Change of) File No. XN-2011-0036
OPEX Communications, Inc.) Tariff No. JX-2011-0066
d/b/a TCI Long Distance)

MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission and for its Motion states:

1. On August 11, 2010, the Commission received a notice that an additional fictitious name (TCI Long Distance) would be used by OPEX Communications, Inc., in addition to the fictitious name OPES Communications, already in use. A tariff adoption notice purporting to allow TCI Long Distance to adopt OPEX's tariff, bearing an effective date of September 10, 2010 accompanied the notice. The letter accompanying the tariff adoption notice clearly indicates that OPEX Communications, Inc. intends to market its services under both the DBA OPEX Communications and the DBA TCI Long Distance.

2. The Staff opposes the use of two DBAs for a single telecommunications company that has a single certificate. The Staff would not oppose certification of separate DBAs as separate companies with separate tariffs and separate required reports (such as annual reports). The Staff believes that multiple DBAs are contrary to the public interest in that they are confusing to customers and impossible for the Staff to properly administer under the constraints of the Commission's EFIS system.

3. TCI Long Distance is not a certificated telecommunications company, and is therefore unable to file a tariff or an adoption notice with the Commission. As noted above, were TCI to be certificated, the Staff would not oppose adoption of OPEX's tariff.

WHEREFORE, the Staff moves that the Commission dismiss the purported tariff adoption notice and advise the Company that it cannot have multiple DBAs without multiple certifications.

Respectfully submitted,



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 31st day of August, 2010.

