

**OF THE STATE OF MISSOURI**

**Case No. XD-2006-0009**

## ORDER CANCELING CERTIFICATE AND TARIFF

Effective Date: August 27, 2005

This order cancels the certificate of service authority to provide interexchange telecommunications services granted to WesTex Communications, LLC, d/b/a WTX Communications, along with its accompanying tariff.

On July 12, 2005, the Staff of the Commission filed a motion to open a case and cancel Westex's certificate of service authority and accompanying tariff. The motion explained that the Commission granted Westex a certificate of service authority to provide interexchange telecommunications services in June 2003, in Case No. LA-2003-0491. A tariff submitted by Westex was approved at the same time.

Staff's motion reports that it has been unable to contact WesTex by telephone because the numbers that the company provided to the Commission are out of service. Mail sent to the address provided by the company has been returned to the Commission as undeliverable. WesTex has never filed an annual report, has never provided a statement of revenue, and has never paid an assessment to the Commission. Staff also indicates that

WesTex does not serve any customers in Missouri. Based on these facts, Staff recommends that the Commission cancel WesTex's certificate and tariff.

Staff served copies of its motion on WesTex at the address indicated in the Commission's files, as well as on the company's registered agent in Missouri. On July 13, the Commission ordered WesTex to reply to Staff's motion by August 12. WesTex has not responded.

The Commission has the authority to cancel a telecommunications corporation's 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, the Commission may grant the relief requested based on the application.

Based on Staff's uncontested application, the Commission finds that WesTex has violated the terms of its certificate by failing to keep the Commission informed of its current address and phone number, and by failing to file annual reports. In addition, the Commission finds that it is in the public interest to cancel the company's tariff. Therefore, the certificate of service authority granted to WesTex in Case No. LA-2003-0491, along with its accompanying tariff, will be canceled.

**IT IS THEREFORE ORDERED:**

1. That the certificate of service authority granted in Case No. LA-2003-0491 to WesTex Communications, LLC, d/b/a WTX Communications, as well as its accompanying tariff, are canceled.
2. That this order shall become effective on August 27, 2005.

3. That this case may be closed on August 28, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Morris L. Woodruff, Senior Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17th day of August, 2005.