

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
February, 2007.

In the Matter of the Name Change from Talk America, Inc. to Talk America, Inc. d/b/a Cavalier Telephone and Talk America, Inc. d/b/a Cavalier Business Communications)	<u>Case No. TN-2007-0276</u> Tariff Nos. YX-2007-0508, YC-2007-0510, YC-2007-0512
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**ORDER RECOGNIZING ADOPTION OF FICTITIOUS CORPORATE
NAME AND APPROVING TARIFFS**

Issue Date: February 15, 2007

Effective Date: February 22, 2007

On January 23, 2007, Talk America, Inc. ("Talk America"), a certificated, Commission-regulated provider of telecommunications services in the State of Missouri, filed a letter requesting that the Commission recognize Talk America's adoption of two fictitious corporate names. As explained in the letter, the purpose of the request was: (1) to enable the company to provide traditional residential telecommunications services in Missouri under the fictitious name "Cavalier Telephone," and (2) to enable the company to provide traditional business telecommunications services in Missouri under the fictitious name "Cavalier Business Communications."¹

Accompanying the letter were documents showing that Talk America registered both of the fictitious names with the Missouri Secretary of State for a period of five years

¹ On October 2, 2006, in Case No. TM-2007-0140, Cavalier Telephone Corporation and Talk America Holdings, Inc. jointly filed an application seeking approval of a transaction whereby a wholly-owned subsidiary of Cavalier Telephone Corporation would acquire indirect control of two Commission-regulated, wholly-owned subsidiaries of Talk America Holdings, Inc. named LDMI Telecommunications, Inc. and Talk America, Inc. This case appears to have arisen out of that transaction.

beginning December 29, 2006. Also attached to the letter were six new tariffs, numbered YX-2007-0508, YX-2007-0509, YC-2007-0510, YC-2007-0511, YC-2007-0512, and JC-2007-0513, all with a proposed effective date of February 22, 2007.² Although these new tariffs were intended to cancel and completely replace the corresponding existing tariffs filed by Talk America (*i.e.*, Tariff Nos. JX-2002-0191, JC-2004-0378, and JC-2004-0379), they contained no substantive changes.³ Finally, the letter indicated that Talk America's customers had already been notified of the impending name changes.

On January 25, 2007, the Commission directed its Staff to commence an investigation and promptly file a report containing its recommendation as to whether the Commission should recognize Talk America's adoption of two fictitious corporate names and approve the accompanying new tariffs. During the course of this investigation, Staff advised Talk America to withdraw three of the new tariffs, explaining that Staff would not favorably recommend Commission approval of a situation where Talk America, which holds only one certificate of service authority, would be simultaneously providing telecommunications services under two different fictitious names.

Therefore, on January 30, 2007, Talk America withdrew Tariff Nos. YX-2007-0509, YC-2007-0511, and JC-2007-0513, all of which employed the fictitious name of "Cavalier Business Communications," in their entirety. Three days later, Talk America filed copies of the customer notices Talk America had previously sent its customers regarding the forthcoming name changes, thereby enabling Staff to review their contents.

² Tariff Nos. YX-2007-0508, YC-2007-0510, and YC-2007-0512 referred to Talk America, Inc. d/b/a Cavalier Telephone, while Tariff Nos. YX-2007-0509, YC-2007-0511, and JC-2007-0513 referred to Talk America, Inc. d/b/a Cavalier Business Communications.

³ The revisions consisted of: (1) the fictitious name adoptions referred to above; (2) the addition of sequential page numbers to each page; and (3) a change in the identity of the company employee responsible for maintaining Talk America's tariff records, as reflected in the footer on each page.

On February 7, 2007, the Staff of the Commission filed a verified Memorandum concluding that Talk America's letter and attachments comply with the applicable Commission Rules governing utility company name changes and setting forth filing requirements for telecommunications company tariffs.⁴ Accordingly, the Memorandum recommends approval of Talk America's request for recognition of its adoption of the fictitious name "Cavalier Telephone," and also recommends approval of Tariff Nos. YX-2007-0508, YC-2007-0510, and YC-2007-0512 with an effective date of February 22, 2007.

The Commission has reviewed Talk America's pleadings and Staff's Memorandum, and finds that Talk America's adoption of the fictitious name "Cavalier Telephone" will be recognized. The Commission further finds that the new tariffs reflecting this name change will be approved.

IT IS ORDERED THAT:

1. The Commission acknowledges that Talk America, Inc. will henceforth be doing business in Missouri under the fictitious name of Cavalier Telephone, and recognizes that Talk America, Inc. is now to be known as Talk America, Inc. d/b/a Cavalier Telephone.
2. Tariff No. YX-2007-0508 is approved to become effective on February 22, 2007. The tariff approved is:

P.S.C. Missouri No. 1
Original Title Sheet
Original Sheet Nos. 1-51

3. Tariff No. YC-2007-0510 is approved to become effective on February 22, 2007. The tariff approved is:

P.S.C. Missouri No. 2
Original Title Sheet
Original Sheet Nos. 1-72

⁴ These regulations include 4 CSR 240-2.060(5), 4 CSR 240-3.020(1), and 4 CSR 240-3.545(20).

4. Tariff No. YC-2007-0512 is approved to become effective on February 22, 2007. The tariff approved is:

P.S.C. Missouri No. 3

Original Title Sheet

Preface, Original Sheet Nos. 1-10
Section 1, Original Sheet Nos. 1-6
Section 2, Original Sheet Nos. 1-39
Section 3, Original Sheet No. 1
Section 4, Original Sheet Nos. 1-2
Section 5, Original Sheet Nos. 1-14
Section 6, Original Sheet Nos. 1-38
Section 7, Original Sheet Nos. 1-4
Section 8, Original Sheet No. 1
Section 9, Original Sheet Nos. 1-3
Section 10, Original Sheet No. 1
Section 11, Original Sheet No. 1
Appendix I, Original Sheet Nos. 1-3

5. Tariff Nos. JX-2002-0191, JC-2004-0378, and JC-2004-0379 are cancelled as of the effective date of this order.

6. This order shall become effective on February 22, 2007.

7. This case may be closed on February 23, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray and Appling, CC., concur
Gaw, C., dissents
Clayton, C., absent

Lane, Regulatory Law Judge