

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

In the Matter of the Nullification of the)
Certificate of Service Authority to Provide)
Resold and Facilities Based Basic Local)
Telecommunications Services of)
Globcom, Incorporated)

Case No. CD-2006-

MOTION TO OPEN CASE AND NULLIFY CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case and Nullify Certificate of Service Authority, respectfully states as follows:

1. In October 2003, the Missouri Public Service Commission (Commission) granted a certificate of service authority to Globcom, Incorporated to provide facilities based and resold basic local telecommunications services in the Missouri exchanges that are currently served by Southwestern Bell Telephone Company, CenturyTel, and Sprint Missouri, Inc. d/b/a Sprint in Case No. CA-2003-0505.

2. The Commission, in its order, stated that “4 CSR 240-3.510(1)(C)’s requirement that GLOBCOM INCORPORATED file a proposed tariff with at least a 45-day effective date is waived until such time as GLOBCOM has an interconnection agreement with an incumbent local exchange carrier approved and in effect.”

3. Globcom has never filed a proposed tariff or an interconnection agreement.

4. According to the Missouri Secretary of State’s website, Globcom, Incorporated, an Illinois corporation, was revoked March 30, 2004 because the company failed to file its Annual Registration Report. Section 351.602.3 RSMo. (2000) 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.” On May 16, 2005, the company’s registered agent in Missouri resigned. The corporation remains in good standing in its native state of Illinois.

5. Upon inquiry, Staff has been informed by telephone that the company remains in existence. The company’s direct telephone number remains operational and mail has not been returned. The company’s most recent Annual Report available was prepared by Telecom Compliance Services, but that entity indicates that it no longer is retained by Globcom, Incorporated. Globcom, Incorporated has failed to submit its annual report for Calendar Year 2004 and failed to pay its estimated 2005 Fiscal Year assessment, which was a minimal amount.

6. Staff notes that Globcom, Incorporated also holds a certificate of service authority to provide interexchange telecommunications services in Missouri from Case No. XA-2003-0483, and has an approved tariff to provide those services. That certificate is not at issue in this filing and Staff will address it in a separate matter.

7. The Commission has the authority to cancel a telecommunications company certificate pursuant to Section 392.410, 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). Section 392.410.5 also states that

Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

As the company never filed a tariff, it was never authorized to offer service and thus never could have exercised its certificate.

WHEREFORE, the Staff recommends the Commission nullify and cancel the certificate of service authority of Globcom, Incorporated to provide basic local telecommunications service.

Respectfully submitted,

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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 on the service list below this 29th day of July, 2005.

/s/ David A. Meyer

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