

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

In the Matter of the Cancellation of the Certificate)
of Service Authority of Unity Telecom, LLC to)
Provide Basic Local Telecommunications Services) **File No. CD-2013-**_____
and Revocation of Eligible Telecommunications)
Carrier Designation in the State of Missouri)

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY AND REVOKE
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority and associated tariff of Unity Telecom, LLC (“Unity” or “Company”), and revoke the Company’s eligible telecommunications carrier (“ETC”) designation. For its Motion, Staff respectfully states as follows:

1. On November 29, 1999, the Commission granted a certificate of service authority to dPi-Teleconnect, L.L.C. (“dPi”) to provide basic local telecommunications services in the State of Missouri in Case No. TA-2000-44.

2. On June 2, 2010, the Commission granted dPi wireline ETC designation throughout the Southwestern Bell Telephone Company, L.P., d/b/a AT&T Missouri service territories, under the provisions of 47 U.S.C. §§ 214 and 254, to receive low-income federal universal service fund support in File No. CO-2010-0054.

3. On January 19, 2011, the Commission granted an amendment to dPi’s ETC status to provide both wireline and wireless service in the exchanges served by AT&T Missouri.

4. On October 1, 2012, dPi notified the Commission that dPi was changing its name to Unity Telecom, LLC, in File No. CN-2013-0121 (Tariff No. YC-2013-0165).

5. While Staff informed the Commission in that case that Unity had complied with the Commission's rule on name changes, it also informed the Commission that the Company remained delinquent in the payment of its fiscal year 2013 assessment and deficient in the filings of its 2010 and 2011 annual reports. The Commission's October 16, 2012 Notice recognizing the name change ordered Unity to respond to Staff's concerns within a reasonable amount of time and directed the Staff to take appropriate action if Unity failed to do so.

6. Staff has provided Unity more than a reasonable amount of time to address the assessment delinquencies and annual report deficiencies. Due to Unity's continued neglect of the Commission's statutes, rules and orders, Staff moves for the Commission to cancel the Company's certificate of service authority.

7. Further, ETC designation must be in the public interest, convenience and necessity. Staff asserts that Unity's ETC designation is no longer in the public interest due to Unity's continued neglect of the Commission's statutes, rules and orders.

8. 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."

9. 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 recommends the Commission cancel the certificate of service authority and associated tariff of Unity Telecom, LLC, to provide basic local telecommunications services in the State of Missouri, and revoke its eligible telecommunications carrier designation.

Respectfully submitted,

/s/Jennifer Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 6th day of March, 2013 by: First Class United State Postal Mail, postage prepaid to UnityTelecom, LLC, 1330 Capital Parkway, Carrollton, TX 75006; Thomas M. Forte, Official Representative of Unity Telecom, LLC, 2600 Maitland Center Parkway, Suite 300, Maitland, FL 32751; Thomas M. Forte, Official Representative of Unity Telecom, LLC, P.O. Drawer 200, Winter Park, FL 32790-0200; electronic mail to Lisa A. Gilbreath at lisa.gilbreath@snrdenton.com and Mark P. Johnson at Mark.johnson@snrdenton.com, attorneys for dPi Teleconnect, L.L.C.; and electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez