

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

In the Matter of the Cancellation of the )  
Certificate of Service Authority and )  
Accompanying Tariff of Buy-Tel )  
Communications, Inc. )

Case No. CD-2007-\_\_\_\_\_

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY  
AND ACCOMPANYING TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission cancel the certificate of service authority it granted to Buy-Tel Communications, Inc. to provide basic local exchange telecommunications services, as well as the company's tariff. In support of its Motion, Staff respectfully states as follows:

1. Buy-Tel Communications, Inc. received a certificate of service authority to provide basic local exchange telecommunications services in September 1999 in Case No. TA-99-548. The company's tariff, Mo.P.S.C. No. 1, was approved in the same case.

2. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Buy-Tel Communications, Inc., a Texas corporation, was revoked October 6, 2006 because the company failed to file its Annual Registration Report.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."

3. Attempts to contact the company directly have been futile. The telephone number provided by the company to the Commission is no longer in service. Mail sent to the address provided by the company has been returned as undeliverable. See Attachment A. Before the telephone number provided by the company went out of service in late 2006, Staff was provided

an alternative telephone number to contact Frank Schmaeling, who indicated that he was involved with the operations of the company. At that time, he indicated that he would provide new contact information. However, he has failed to do so. Subsequent attempts to contact Mr. Schmaeling in December 2006 and in February, March and May 2007 have been futile. According to documentation received by the Commission, Mr. Schmaeling participated in the bankruptcy matter involving Preferred Carrier Services, Inc. in January 2007 (see Case No. TD-2007-0437) but Staff is unable to find any connection between that company and Buy-Tel Communications, Inc. and the national index for U.S. district, bankruptcy, and appellate courts indicates that Buy-Tel Communications, Inc. has not received bankruptcy protection.

4. The company submitted all annual reports due to the Commission until the 2006 calendar year report due April 15, 2007. The company paid all assessments due the Commission until the assessment due for Fiscal Year 2007, which was a minimal amount based on actual revenues submitted in the company's Statement of Revenue. The company's failure to comply with recent regulatory requirements is in keeping with its apparent demise.

5. Staff is not aware that Buy-Tel Communications, Inc. is still providing telecommunications services to any Missouri customers. No customers have contacted the Commission to make complaints, either formal or informal, about Buy-Tel Communications, Inc. since it received its certificate of service authority.

6. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), 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.

7. 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).

8. Thus, the Commission has the authority to cancel the certificate of service authority it granted to Buy-Tel Communications, Inc. to provide basic local exchange telecommunications services in Case No. TA-99-548, as well as the company's tariff, Mo.P.S.C.

1. Such an action is supported because the company cannot be contacted, and because it appears the company has no Missouri customers, and it no longer has legal authority to operate under normal circumstances in Missouri.

WHEREFORE, the Staff requests that the Commission grant Staff's Motion and cancel the certificate of service authority it granted to Buy-Tel Communications, Inc. to provide basic local exchange telecommunications services in Case No. TA-99-0548, as well as the company's tariff, Mo.P.S.C. NO. 1.

Respectfully submitted,

/s/ **David A. Meyer**

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David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

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Missouri Public Service Commission  
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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 the following this 30th day of May 2007.

**/s/ David A. Meyer**

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Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102

CT Corporation System  
Registered Agent for Buy-Tel Communications, Inc.  
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St. Louis, MO 63105  
*(via certified mail)*

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Fort Worth, TX 76116

*Missouri Public Service Commission*  
Administration Division  
P.O. Box 360  
Jefferson City, Missouri 65102

MO 419-2629 (4-01)

RECEIVED

JAN 29 2007

BUDGET & FISCAL SVCS  
MO. P.S.C.

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Fort Worth, TX 76116

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Attachment A

**VERIFICATION**

STATE OF MISSOURI    )  
                                  )  
COUNTY OF COLE     )

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.

  
\_\_\_\_\_  
Sherri L. Kohly  
Affiant

Subscribed and affirmed before me this 30<sup>th</sup> day of May 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 9-23-2008.

  
\_\_\_\_\_  
NOTARY PUBLIC

