

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

In the Matter of the Cancellation of the Certificate)
of Service Authority and Accompanying Tariffs) Case No. XD-2009_____
of NOW Intermedia, Inc.)

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

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the General Counsel of the Commission, pursuant to §386.390 RSMo¹ and 4 CSR 240.2.070, and moves that the Missouri Public Service Commission (“Commission”) cancel the certificate of service authority and accompanying tariff of NOW Intermedia, Inc. (“NOW”). In support of its motion, Staff states as follows:

1. On August 8, 2003 the Commission granted NOW Intermedia, Inc. a certificate of service authority to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services in the state of Missouri, and approved the Company’s tariff, Public Service Commission Tariff No. 1.²

2. NOW Intermedia, Inc., was a registered Missouri corporation located at 625 N. Euclid Avenue, Suite 300, St. Louis, MO 63108, which was registered with the Missouri Secretary of State. According to the Missouri Secretary of States Office, NOW was administratively dissolved on February 18, 2004 for failing to file an annual report. *See* Attached Exhibit 1.

¹ All references to the RSMo are the Revised Statutes of Missouri (2000), as currently supplemented.

² *See Order Approving Interexchange and Nonswitched Local Exchange Certificate of Service Authority and Order Approving Tariff*, Case No. XA-2003-0495, issued August 8, 2003 and effective August 15, 2003.

3. NOW has not filed an annual report with the Missouri Public Service Commission for the years 2007 and 2008 as mandated by § 392.210.1 RSMo and 4 CSR 240-3.165.9.

4. NOW has not paid its FY-2009 Commission assessment of \$16.23.

5. The Commission has the authority to cancel the certificate of service authority of a telecommunications corporation pursuant to section 392.410.5 RSMo 2000, which states “[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.”

6. The hearing requirement is not necessary if the Commission gives proper notice and opportunity to intervene and no party requests such hearing. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

7. According to Section 506.150 RSMo, 2000, service is proper on a dissolved corporation either at the Missouri Secretary of State’s Office or the last registered agent. The Secretary of State is located at James C. Kirkpatrick State Information Center, PO Box 778 Jefferson City, Missouri 65102. The last known registered agent was Darryl Gill, 625 N. Euclid Avenue, Suite 300, St. Louis, MO 63108.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority granted to NOW Intermedia, Inc. to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services and the accompanying tariff Public Service Commission Tariff No. 1.

Respectfully submitted,

/s/ Samuel D. Ritchie
Samuel D. Ritchie
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Missouri Bar No. 61167

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been delivered via certified mail to the following individuals this 27th day of May, 2009.

/s/ Samuel D. Ritchie

Darryl Gill
Registered Agent for
NOW Intermedia, Inc.
625 N. Euclid Avenue, Suite 300
St. Louis, MO 63108

**ADMINISTRATIVE DISSOLUTION
OR REVOCATION FOR A
FOR-PROFIT CORPORATION**

**00516425
NOW INTERMEDIA, INC.
DARRYL GILL
625 N EUCLID STE 300
ST LOUIS, MO 63108**

February 18, 2004

NOW INTERMEDIA, INC.
00516425

The above corporation has failed to comply with Section 351.484, 351.525, or 351.598 RSMo, by:

Failure to file a correct and current annual report

Therefore, the above corporation stands administratively dissolved or revoked under the provisions of Section 351.486 or Section 351.602, RSMo, as of February 18, 2004.

NOW, THEREFORE, I, Matt Blunt, Secretary of State, do hereby declare the above corporation administratively dissolved or revoked by this state, subject to rescission as in these acts provided.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my seal this, the 18th day of February, 2004.



Matt Blunt
**MATT BLUNT
SECRETARY OF STATE**

EXHIBIT 1