

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

In the Matter of the Cancellation of the)
Registration of DIECA Communications)
Inc. d/b/a Covad Communications) Case No. DD-2010-0029
Company to Provide Interconnected Voice)
Over Internet Protocol Service.)

**STAFF'S RESPONSE AND VOLUNTARY WITHDRAWAL
OF MOTION TO CANCEL VoIP REGISTRATION**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), through the undersigned counsel, and files this *Response* as directed by the Missouri Public Service Commission's ("Commission") August 11, 2009 *Order Directing Filing*. For this *Response*, the Staff respectfully states the following:

1. On April 29, 2009, the Commission received a forwarded copy of DIECA Communications Inc. d/b/a Covad Communications Company's ("Covad" or "Company") *Section 63.71 Application* ("*Application*"), an application for the discontinuance of service that Covad submitted to the Federal Communications Commission. The *Application* was pursuant to 47 CFR 63.71, which resembles the Commission's procedure for ceasing operations in 4 CSR 240-3.560. The filing was assigned the tracking number BCES-2009-1753.

2. Covad's *Application* for discontinuance of service stated that in an effort to maintain its nationwide broadband network, Covad was shutting down offices where growth had been stagnant for some time, and specifically stated "[a]pplicant proposes to discontinue the provision of high speed data and Internet service to the affected customers in....Missouri...." The *Application*'s Exhibit A identified the affected areas by circuits only.

3. On July 16, 2009, the Staff processed the *Application* under the above-stated cause and filed a *Motion To Cancel VoIP Registration*.

4. Staff has reviewed Covad's *Response Opposing Staff's Motion To Cancel VoIP Service*, in which the Company clarified that only one central office in Missouri was affected. Further, the Company stated "Covad continues to provide VoIP services to Missouri customers....Covad also remains collocated in 52 COs [central offices] in Missouri which enables Covad to offer and provide broadband and VoIP services."

5. As Covad intends to continue service in certain areas of Missouri, Staff voluntarily withdraws its *Motion To Cancel VoIP Registration*.

WHEREFORE, the Staff of the Missouri Public Service Commission files this *Response* and withdraws the *Motion To Cancel VoIP Registration*, respectfully requesting this case be closed.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail on Carl J. Lumley, Attorney for Covad Communications Company at clumley@lawfirmemail.com and The Office of Public Counsel at opcservice@ded.mo.gov this 19th day of August, 2009.

/s/ Jennifer Hernandez