

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

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff)
of Epixtar Communications Corp.)

Case No. XD-2007-

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves that the Commission open a case and cancel Epixtar Communications Corp.'s certificate of service authority to provide intrastate interexchange telecommunications services in Missouri, as well as its tariff. In support of its Motion, Staff respectfully states as follows:

1. On March 6, 2003, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to provide intrastate interexchange telecommunications services to Epixtar Communications Corp. in Case No. XA-2003-0260. The Commission approved the company's tariff, P.S.C. Mo. No. 1, in the same case.

2. Epixtar Communications Corp. has indicated in its confidential Statement of Revenue it submitted to the Commission that it does not provide telecommunications services in Missouri. On that document, the company's representative indicated that it was reporting no Missouri jurisdictional revenue and that it no longer wished to maintain its operating certificate in Missouri. The notarized statement of revenue containing this statement was submitted to the Commission by the vice president of the company and is available on a highly confidential basis from the Commission's Electronic Filing and Information System. See Appendix A.

3. In its Annual Report submitted most recently to the Commission, the company reported no revenues and no customers.

4. Epixtar Communications Corp. has no past due annual reports or assessments to the Commission. No formal complaints have been filed against the company since the commencement of the Electronic Filing and Information System.

5. The web site of the Office of the Missouri Secretary of State reports that Epixtar Communications Corp. is a Florida corporation in good standing in Missouri.

6. Because Epixtar Communications Corp. has requested cancellation of its certificate and because it is not providing telecommunications service in Missouri, the Staff recommends that the Commission issue an order canceling the company's certificate.

7. 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.”

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).

8. This pleading is being served on the address provided by the company to the Commission via certified mail, as well as to its registered agent.

WHEREFORE, the Staff recommends the Commission cancel the certificate of service authority of Epixtar Communications Corp. to provide intrastate interexchange services in Missouri, as well as its tariff, PSC Mo. No. 1.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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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 attached service list this 29th day of March 2007.

/s/ David A. Meyer

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

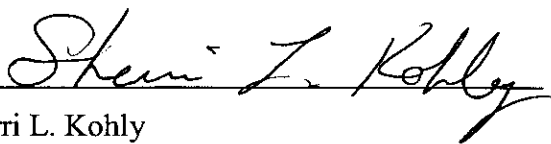
Epixtar Communications Corp.
11900 Biscayne Boulevard, Suite 7
Miami, FL 33181
(Via Certified Mail)

National Registered Agents, Inc.
Registered Agent for Epixtar Communications Corp.
300-B East High Street
Jefferson City, MO 65101

VERIFICATION

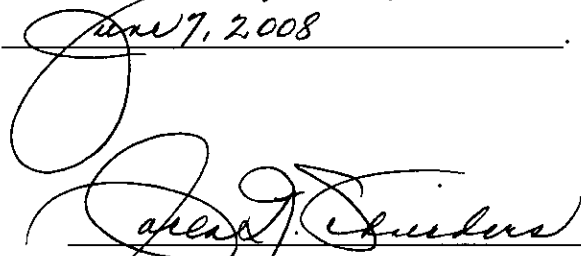
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 29th day of March 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on June 7, 2008.



NOTARY PUBLIC

