

BINGHAM

FILED

JUL 16 2010

Missouri Public  
Service Commission

July 15, 2010

**Via FedEx**

Steven Reed, Secretary  
Missouri Public Service Commission  
200 Madison Street  
Suite 100  
Jefferson City, MO 65101

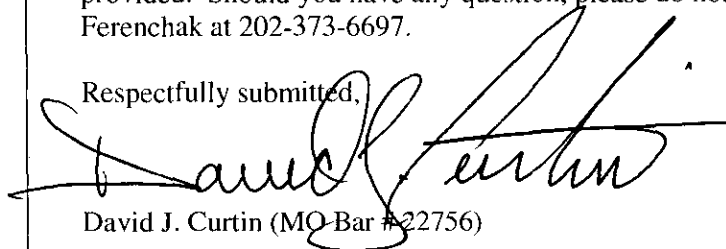
**Re: Application of CIMCO Communications, Inc for Approval to Cancel its  
Certificate of Service Authority and Withdrawal of Tariff**

Dear Mr. Reed:

On behalf of CIMCO Communications, Inc., enclosed for filing are an original and eight (8) copies of the above-referenced application.

Kindly date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Should you have any question, please do not hesitate to contact Brett Ferenchak at 202-373-6697.

Respectfully submitted,



David J. Curtin (MO-Bar #22756)

Counsel for CIMCO Communications, Inc.

Boston  
Hartford  
Hong Kong  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
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BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public  
Service Commission

Application of )

CIMCO Communications, Inc )

For Approval to Cancel its Certificate of )  
Service Authority and Withdrawal of Tariff )

Case No. \_\_\_\_\_

APPLICATION FOR THE CANCELLATION OF CERTIFICATE OF SERVICE  
AUTHORITY AND WITHDRAWAL OF TARIFF

COMES NOW CIMCO Communications, Inc. (now known as Cap Capital, Inc.) (the "Company"), pursuant to Section 392.410.5 RSMo and the Rules of the Missouri Public Service Commission ("Commission"), and hereby requests the Commission to cancel its Certificate of Service Authority ("CSA") as well as any approved tariff. In support of its request, the Company states the following:

1. The Company's current legal name is Cap Capital, Inc., but previously had the legal name of CIMCO Communications, Inc.<sup>1</sup> The Company is a corporation formed under the laws of the state of Illinois. Copies of the Company's Certificate of Authority to Transact Business and Certificate of Good Standing from the Missouri Secretary of State were provided in Case No. TO-2010-0117 and are incorporated by reference herein.

<sup>1</sup> Upon completion of the transaction with Comcast Phone, LLC described in Case No. TO-2010-0117, the Company changed its name to Cap Capital, Inc. so that Comcast could use the trade name of CIMCO to serve the customers that it acquired from CIMCO.

2. The name and address of the Company's representatives to whom correspondence and communications pertaining to this Application should be addressed are:

David J. Curtin (MO Bar # 22756)  
Jean L. Kiddoo  
Brett P. Ferenchak  
Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006  
202-373-6697 (Tel.)  
202-373-6001 (Fax)  
david.curtin@bingham.com  
jean.kiddoo@bingham.com  
brett.ferenchak@bingham.com

3. The Company's contact for any outstanding regulatory obligations is:

Bill Capraro  
Cap Capital, Inc.  
2021 Spring Rd., Suite 375  
Oak Brook, IL 60523  
630-691-8081 (Tel)  
630-691-9091 (Fax)  
bcapraro@capcapital.com

4. The Company's principal offices are currently located at 2021 Spring Rd., Suite 375, Oak Brook, Illinois 60523.

5. The Company is authorized to provide interexchange telecommunications services pursuant to a CSA issued in Case No. TA-98-128 on November 7, 1997.

6. On March 16, 2010, the Company completed a transaction with Comcast Phone, LLC whereby the Company transferred all of its assets and customers to Comcast Phone, LLC and certain of its affiliates.<sup>2</sup> As a result of the transaction, the Company no longer provides

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<sup>2</sup> See Case No. TO-2010-017 (effective Nov. 13, 2009) (approving the transfer of customers from the Company to Comcast Phone of Missouri, LLC).

telecommunications services in Missouri and has no intention of doing so in the future. The Company, therefore, no longer requires its CSA.

7. Because the Company does not serve any customers or have any active operations in Missouri, the Company respectfully submit that the cancellation and surrender of its CSA and withdrawal of its tariff are reasonable and necessary.

8. The Company states that, to the best of its knowledge, (1) there are no annual reports or assessment fees that are overdue for the Company in Missouri and (2) the Company does not have any pending action or unsatisfied final judgments or decisions against it in any state, federal agency or court which involves customers service or rates, which has occurred within three years of this Application.

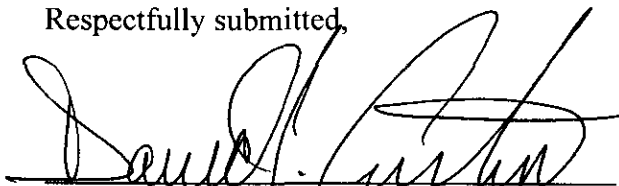
9. The Commission has the authority to cancel a CSA pursuant to Section 392.410.5 RSMo (Supp 2005), which provides that:

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 part requests such a hearing.

WHEREFORE, the Company respectfully requests that the Commission grant this Application and cancel the Certificate of Service Authority of CIMCO Communications, Inc and withdraw its approved tariff on file, together with such other and further relief as is necessary or convenient to affording the relief herein requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Curtin", is written over a horizontal line.

David J. Curtin (MO Bar # 22756)

Bingham McCutchen LLP

2020 K Street, N.W.

Washington, DC 20006

202-373-6000 (Tel.)

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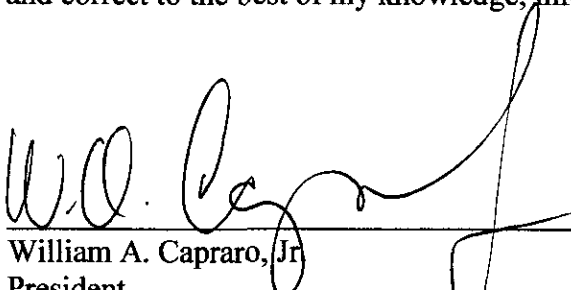
Counsel to the Company

Dated: July 15, 2010

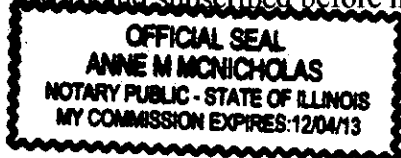
STATE OF ILLINOIS :  
:  
: SS.  
COUNTY OF DUPAGE :

### VERIFICATION

I, William A. Capraro, Jr., state that I am President of Cap Capital, Inc. (formerly known as CIMCO Communications, Inc.) (the "Company"), a party to the foregoing filing; that I am authorized to make this Verification on behalf of the Company; that the foregoing filing was prepared under my direction and supervision; and that the statements in the foregoing document with respect to the Company are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
William A. Capraro, Jr.  
President  
Cap Capital, Inc. (f/k/a CIMCO Communications, Inc.)

Sworn and subscribed before me this 13 day of July, 2010.



  
\_\_\_\_\_  
Notary Public

My commission expires:

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of July, 2010, a true and correct copy of this application, as filed with the Missouri Public Service Commission, was served by first class U.S. mail, postage prepaid on the following:

Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102

General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

  
Brett P. Ferencak