

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Wholesale Carrier Services, Inc. for a )  
Certificate of Public Convenience and ) Case No. 07-949-TP-ACE  
Necessity. )

ENTRY

The attorney examiner, pursuant to the authority of Rule 4901:1-6-03(A)(3), Ohio Administrative Code (O.A.C.), finds:

- (1) On August 24, 2007, Wholesale Carrier Services, Inc. (applicant) filed an application seeking an extension of its certificate of public convenience and necessity number 90-6070 in order to provide competitive local exchange telecommunications services in Ohio.
- (2) Rule 4901:1-6-03(A)(3), O.A.C., states, in relevant part, that, without exception, all telephone-related applications filed pursuant to Chapter 4901:1-6, O.A.C., must include a current, updated copy of the telecommunications application form posted on the Commission's website. The rule continues by noting that failure to utilize the telecommunications application for any type of filing pursuant to Chapter 4901:1-6, O.A.C., as well as failure to include the required attachments will result in immediate dismissal of the new application. The Commission has delegated authority to the legal director, deputy legal director, or the attorney examiner assigned to the case to issue an entry dismissing an application pursuant to this rule.
- (3) A review of the application in this case reveals that the applicant does not have a valid Certificate of Authority to operate in Ohio at this time as the Ohio Secretary of State has canceled the applicant's Articles of Incorporation for failure to file necessary corporate franchise tax reports or to pay any such taxes within the time prescribed by law.
- (4) Based on the aforementioned deficiency, the attorney examiner finds that this application should be dismissed and this case closed of record pursuant to the authority of Rule 4901:1-6-03(A)(3), O.A.C.

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- (5) While canceled, Section 5733.21, Revised Code, prohibits any person from exercising or attempting to exercise "any powers, privileges, or franchises under the articles of incorporation or certificate of authority." Accordingly, applicant is instructed to take the steps necessary for reinstatement of its Articles of Incorporation with the Ohio Secretary of State or to file the necessary documents with the Commission to relinquish its operating authority by no later than September 10, 2007. Failure to comply by that date will lead to enforcement action, including applicable forfeitures, as authorized by the Ohio Revised Code.


It is, therefore,

ORDERED, That this application be dismissed as set forth in finding 4. It is, further,

ORDERED, That the applicant comply with finding 5 by September 10, 2007. It is, further,

ORDERED, That a copy of this entry be served upon Wholesale Carrier Services, Inc. and its counsel by certified mail, return receipt requested and all other interested persons of record by regular mail.

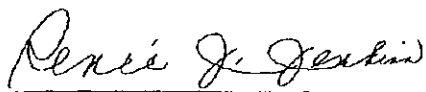
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jeffrey R. Jones  
Attorney Examiner

*PRG*  
/vrn

Entered in the Journal

**AUG 28 2007**



Renee J. Jenkins  
Secretary