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FILED³
FEB 08 2004

February 2, 2004

Hon. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

**Missouri Public
Service Commission**

Re: Staff v. BarTel Communications, Inc.
Case No. TC-2004-0127

Dear Mr. Roberts,

I am in receipt of a copy of the Commission's Order dated January 26, 2004 directing the General Counsel to file a pleading by February 9, 2004, advising the Commission of the status of this matter. I wanted to communicate the position of the company to you with the hope that this case can be resolved by agreement. This is a case where a CLEC has been forced out of business by the ILEC and has attempted, unsuccessfully, to properly relinquish its certificate authority rather than simply vanish.

On July 14, 2003, I contacted Bruce Bates at the MPSC and advised him that BarTel Communications, Inc. (BTC) had ceased operations as of December 31, 2002 and desired to surrender its Certificate authority in the state of Missouri. He indicated that he would check on the proper procedure and call me back; however, I did not hear from him until this morning. Mr. Bates called me today to discuss the status of this matter because the Commission ordered the General Counsel to file a status report by February 9, 2004.

On September 11, 2003, the Staff filed a formal complaint against BTC for failure to file its 2001 and 2002 annual reports and for failure to pay its annual assessment for 2003. I wrote to the General Counsel again on September 16, 2003, advising that BTC ceased all operations in Missouri as of December 31, 2002 and has no plans to conduct any further business in Missouri or any other state. As I indicated in my correspondence, BTC became insolvent when Southwestern Bell Telephone Company (SWBT) started telemarketing its "Win Back" promotion to BTC's customers. Apparently, SWBT began its "Win Back" promotion after receiving regulatory approval to enter the long distance market. Over a short period, BTC lost more than half of its customer base and became insolvent. While BTC believes it was grossly unfair and anticompetitive for SWBT to use its records of a CLEC's customers to telemarket their services to those customers, BTC did not have the means to seek redress. As I also indicated in my letter of September 16, all BTC customers were transferred to SWBT prior to December 31, 2002. BTC did not collect any customer deposits and, to BTC's knowledge, there are no refunds due any customers.

Dale Hardy Roberts
Executive Secretary
Missouri Public Service Commission
February 3, 2004
Page 2


On September 30, 2003, I filed a Motion in the above-referenced matter for Admission Pro Hac Vice, requesting admission for the limited purpose of responding to the Staff complaint and completing the forfeiture of BTC's Certificate. The Commission, correctly, ordered BTC to supplement its pleading to explain how I could be admitted without local counsel when the Missouri Rules of Civil Procedure require same. Obviously, there is no response that could satisfy the Commission.

It is my understanding that the pending complaint alleges that BTC (a) failed to file its annual reports for 2001 and 2002; and (b) failed to pay the assessment for 2003 in the amount of \$649.51. I advised Mr. Bates this morning that BTC did, in fact, file its annual reports for 2001 and 2002, copies of which are enclosed. As for the other allegation in the pending complaint, as I have previously advised the Commission, BTC ceased all operations as of December 31, 2002; thus, the assessment is for a period during which BTC was not operating as a CLEC in Missouri. Even if the Commission determines that BTC owes the assessment and/or a penalty, there are no funds or assets from which BTC can pay the assessment.

Very simply, BTC desires to terminate its certificate authority in Missouri in a proper manner. BTC does not want to ignore the Commission's orders; it wants to terminate its certificate in accordance with the rules of the Commission. However, I am not licensed to practice law in the state of Missouri and the company has no funds to retain Missouri counsel to file appropriate pleadings. Under these circumstances, I am uncertain as to how to properly proceed. BTC does not want to join the list of CLECs that have simply vanished; BTC wants to comply with Missouri law and properly respond to the pending complaint and relinquish its Certificate.

If you have any suggestions, I would appreciate your assistance with this matter.

Very truly yours,



Richard W. Hird

Encl.

cc: Dana K. Joyce
General Counsel
Missouri Public Service Commission
(with enclosures)

BarTel Communications, Inc.

(Full Company Name)

**COMPETITIVE
LOCAL EXCHANGE CARRIER
ANNUAL REPORT
TO THE
MISSOURI PUBLIC SERVICE COMMISSION**

For Period Ending December 31, 2002

RECEIVED⁴
FEB 06 2004
*Records
Public Service Commission*

1 State in full the exact '**certificated**' name of the Competitive Local Exchange Carrier:

BarTel Communications, Inc.

2 State in full the mailing and street address of the Competitive Local Exchange Carrier:

P.O. Box 220932

St. Louis, MO 63122-0932

3 State in full the name, street address, telephone number, and **email address** of the individual to contact concerning the carrier's competitive local exchange operations:

Richard W. Hird

11900 College Boulevard, Suite 310

Overland Park, KS 66210

rick@hirdlaw.com

4 This Competitive Local Exchange Carrier is a (Check box with an X -- Give explanation if 'Other' is identified):

	Type	Explanation
<input checked="" type="checkbox"/>	Corporation	
<input type="checkbox"/>	Partnership	
<input type="checkbox"/>	Sole Proprietorship	
<input type="checkbox"/>	LLC	
<input type="checkbox"/>	LP	
<input type="checkbox"/>	Other	

5 Date of incorporation or other original organization (e.g. 00/00/0000):

12/10/97

6 Date of certification by the Missouri Public Service Commission and associated case number:

Date (e.g 00/00/0000): 02/02/99 Case No: TA-99-138

7 Under the laws of what state is the Competitive Local Exchange Carrier organized:

Kansas

- 10 Please provide a description of **ALL MATERIAL** extraordinary items which affected the total company Competitive Local Exchange Carrier's operations during the past year. In addition, for company operations affecting Missouri, **please include a listing of all consolidations, reorganizations, major plant changes and lawsuits.**

BarTel Communications, Inc. ceased operations as a competitive local exchange carrier during December, 2002. All customers were transferred to the appropriate ILEC. No business has been conducted by the company since that time and there are no plans to begin doing business again. BarTel Communications, Inc. is anticipating filing a petition in bankruptcy before the end of 2003.

11 Please Provide the following information concerning Total Company and Missouri Specific Revenues:

Revenues:	Total Company	MO Specific
Operating Revenues* from Telecommunication Services	889,348	697,190
Access Fee Revenues	0	0
Federal USF Subsidies	0	0
State USF Subsidies	0	0
Other Revenues	0	0
TOTAL REVENUES	889,348	697,190

12 Type of tax return filed (i.e. 1120C, 1120S, Partnership, ect.):1120C**13 Taxpayer ID:** 43-1801490

* Missouri Revised Statutes §386.020(53)

Annual Report of

BarTel Communications, Inc.

for the year ended December 31, 2002

COMPETITIVE LOCAL EXCHANGE CARRIER ACCESS LINE REPORT

[illegible]

Instructions for completing the Competitive Local Exchange Carrier Access Line Report

I. BACKGROUND

In opening local telephone markets to competition, the Missouri Public Service Commission (MoPSC) is interested in determining and tracking the amount of actual competition occurring throughout the state. For a variety of reasons including but not limited to statutory reasons, the MoPSC finds it necessary to track the level of competition in local telephone markets.

II. PURPOSE

The purpose of this portion of the Annual Report is to ascertain, on an exchange specific basis, the number of voice-grade equivalent access lines in service being provided by your company in each exchange (as identified in your tariff) in Missouri. Information is sought for residential and business voice-grade equivalent access lines on an exchange-by-exchange basis. **Please use the common exchange name as shown in your tariffs.** Further, information is sought on the following ways of provisioning each access line: (A) pure resale lines; (B) unbundled network element lines (UNE); (C) unbundled network element platform lines (UNE-P); and, (D) pure facility based lines. **Please report on a separate line the number of company used lines.**

III. WHAT IS MEANT BY "VOICE TELEPHONE SERVICE"?

Voice telephone service means local exchange or exchange access services that allow end users to originate and terminate local telephone calls on the public switched telephone network, whether used by the end user for telephone calls or for other types of calls carried over the public switched network (for example, lines used for facsimile equipment and "dial-up" internet lines).

IV. WHAT IS MEANT BY "VOICE-GRADE" EQUIVALENT LINES?

You are to report voice-grade equivalent lines. Count as one voice-grade equivalent line: traditional analog POTS lines, Centrex-CO extensions, and Centrex-CU trunks. Count lines based on how they are charged to the customer rather than how they are physically provisioned. For example, count Basic Rate Integrated (BRI) and Digital Network (ISDN) Services lines as two voice-grade equivalent lines. Report 8 voice-grade equivalent lines if a customer buys 8 trunks that happen to be provisioned over a DS1 circuit. If a customer buys a DS1 circuit that is provided as channelized service, report 24 voice-grade equivalent lines, even if there is some indication that the customer is only using 8 of the derived lines. Thus, a voice-grade equivalent line is a line that directly connects an end user to a carrier and allows the end user to originate and terminate local telephone calls on the public switched network.

Voice-grade equivalent lines include high capacity (DS1, DS-3, etc.) lines that are channelized to provide voice-grade service. In such instances, it is the number of channels available for voice traffic to/from the public switched network that should be counted as voice-grade equivalent access lines. **Note for competitive LEC's providing local exchange service over hybrid fiber-coaxial cable television systems:** Count your records and report how many voice-grade equivalent lines are being billed.

Instructions for completing the
Competitive Local Exchange Carrier Access Line Report Con't.

V. WHAT IS MEANT BY PURE RESALE VOICE GRADE EQUIVALENT LINES?

Pure resold lines are those lines provided pursuant to § 251 (c)(4) of the Communications Act of 1934, as amended. Pure resold lines are those lines not owned or controlled by the telephone company billing the end user for the service. Pure resold lines are typically leased from an underlying carrier at a wholesale discount off the tariffed rate. The use of resold lines exclusively provides a means to offer service without owning or controlling any equipment. Pure resold lines are those lines provided under a general or local exchange tariff, but without benefit of an accompanying switched access tariff.

VI. WHAT IS MEANT BY UNBUNDLED NETWORK ELEMENT (UNE) LINES?

UNE lines are those lines where the carrier provides some portion of the equipment required to provide telephone service. The most common example is a competitive LEC who provides the switching but leases a loop (or extended loop) from the incumbent LEC. UNE loops are obtained on a stand alone basis and service is provided to the end user without combining other UNEs. Service provisioned over UNE loops requires the carrier to lease a loop from another LEC in order to connect the customer to the carrier's own switch. UNE lines are provided under a general or local exchange tariff in combination with a switched

VII. WHAT IS MEANT BY UNE-P VOICE GRADE EQUIVALENT LINES?

UNE Platform (UNE-P) lines are those lines utilizing a combination of UNEs so that service provisioned over UNE-P lines does not require the carrier to use its own switch, port, or loop. UNE-P lines are commonly used by competitive LECs. UNE-P lines are provided under a general or local exchange tariff in combination with a switched access tariff.

VIII. WHAT IS MEANT BY FULL FACILITY BASED VOICE GRADE EQUIVALENT LINES?

Full facility based lines are those lines owned or controlled exclusively by a local exchange carrier and used to connect to an end user's premises. Count as your own such facilities, those facilities that you actually owned as well as facilities such as dark fiber that you obtained the right to use from other entities. Do not include, as full facilities based lines, lines provided over UNE loops that you obtained from another carrier. Full facility based lines are provided under a general or local exchange tariff in

IX. WHAT IS MEANT BY PUBLIC ACCESS LINES?

Some carriers (particularly incumbent carriers) still separate pay telephone lines from business lines. Use this column to report pay telephone lines if your company tariffs reflect pay telephone lines distinct from business lines.

Annual Report of BarTel Communications, Inc. for the year ended December 31, 2002

VERIFICATION

The foregoing report must be verified by the oath of the President or chief officer of the company. The oath required may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

OATH

State Of Kansas

County Of JOHNSON } ss:

Richard W. Hird makes oath and says that

(Insert here the name of the affiant)

he is President

(Insert here the official title of the affiant)

of BarTel Communications, Inc.

(Insert here the exact legal title or name of the respondent)

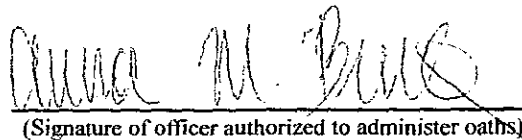
that he has examined the foregoing report; that to the best of his knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent.

1-Jan, 2002, to and including 31-Dec, 2002


(Signature of affiant)

Subscribed and sworn before me, a Notary Public in and for the
State and county above named, this 11 day of September, 2003
My Commission expires August 26, 2006

ANNA M. BURK
Notary Public - State of Kansas
My Appt. Expires 08/26/06


(Signature of officer authorized to administer oaths)

NOTICE

The attached annual report form is available electronically in Microsoft Excel (Office 2000 version). This file should be available for download from the Commission's web site at:

<http://www.psc.state.mo.us/>

To obtain a direct copy via e-mail you may contact Bill Meyer at:

bmever@mail.state.mo.us and specify that you are requesting an electronic copy of the annual report form for _____. Available forms include:

ILEC Annual Report Form

IXC Annual Report Form

CLEC Annual Report Form

STS Annual Report Form

To submit questions regarding content please contact:

Bill Meyer, Regulatory Auditor

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102-0360

(573) 751-5026

(573) 526-4994 (FAX)

bmever@mail.state.mo.us

Finally to submit the completed and signed document (at this time a paper copy is required) please forward to:

The Data Center

Missouri Public Service Commission

200 Madison Street, Suite 100

P.O. Box 360

Jefferson City, MO 65102-0360

Annual Report of BarTel Communications, Inc. or the year ended December 31, 2001

1 State in full the exact 'certificated' name of the Competitive Local Exchange Carrier:

BarTel Communications, Inc.

2 State in full the mailing and street address of the Competitive Local Exchange Carrier:

333 LEFFINGWELL, SUITE 101

ST. LOUIS, MO 63122

3 State in full the name, street address, and telephone number of the individual to contact concerning the carrier's competitive local exchange operations:

Bart Lovett

333 LEFFINGWELL, SUITE 101

ST. LOUIS, MO 63122 314-821-1958 Ext. 222

4 This Competitive Local Exchange Carrier is a (Check box with an X -- Give explanation if 'Other' is identified):

	Type	Explanation
<input checked="" type="checkbox"/>	Corporation	
<input type="checkbox"/>	Partnership	
<input type="checkbox"/>	Sole Proprietorship	
<input type="checkbox"/>	LLC	
<input type="checkbox"/>	LP	
<input type="checkbox"/>	Other	

5 Date of incorporation or other original organization (e.g. 00/00/00):

12/10/97

6 Date of certification by the Missouri Public Service Commission and associated case number:

Date (e.g 00/00/00): 2/2/99 Case No: TA-99-133

7 Under the laws of what state is the Competitive Local Exchange Carrier organized:

Kansas

- 10 Please provide a description of **ALL MATERIAL** extraordinary items which affected the total company Competitive Local Exchange Carrier's operations during the past year. In addition, for company operations affecting Missouri, **please include a listing of all consolidations, reorganizations, major plant changes and lawsuits.**

None

Annual Report of PortTel Communications, Inc.

for the year ended December 31, 2001

11 Please Provide the following information concerning Total Company **and** Missouri Specific Revenues:

Revenues:	Total Company	MO Specific
Operating Revenues* from Telecommunication Services	795,381.44	549,352.19
Access Fee Revenues	0	0
Federal USF Subsidies	0	0
State USF Subsidies	0	0
Other Revenues	2,531.80	2,278.92
TOTAL REVENUES	797,913.24	551,661.11

* See Missouri Revised Statutes §386.020(53)

12 Type of tax return filed (i.e. 1120C, 1120S, Partnership, ect.):

1120C

13 Taxpayer ID:

43-1801490

Residential Voice Grade Equivalent Lines	Business Voice Grade Equivalent Lines	Public Access Lines
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[illegible]

Competitive Local Exchange Carrier Access Line Report

EXCHANGE**Pure Resale**

ARNOLD	1
BARNETT	1
BELTON	2
BILLINGS	1
BLUE SPRINGS	5
BONNE TERRE	1
BOWLING GREEN	2
CAPE GIRARDEAU	4
CARDWELL	1
CENTRAILIA	1
CHAFFEE	1
CLARKSVILLE	1
CLAYTON	1
COLUMBIA	4
CRESTWOOD	1
CRYSTAL CITY	1
DESOTO	3
EUREKA	1
EXCELSIOR SPRINGS	2
FARMINGTON	1
FENTON	5
FERGUSON	6
FESTUS	1
FLORISSANT	9
FOLEY	1
FORISTELL	1
FREDERICKTOWN	2
FULTON	1
GLASGOW VILLAGE	1
GRAIN VALLEY	3
GRANDVIEW	1
HANNIBAL	5
HIGH RIDGE	3

Competitive Local Exchange Carrier Access Line Report

EXCHANGE	Pure Resale
HILLSBORO	2
HILLSDALE	3
HOUSE SPRINGS	1
IMPERIAL	2
INDEPENDENCE	26
JACKSON	1
JONESBURG	1
JOPLIN	1
KANSAS CITY	181
KENNETT	3
KIRKWOOD	1
LAKE ST LOUIS	2
LAMAR	3
LEE'S SUMMIT	2
LOCKWOOD	1
LOUISIANA	6
MACKS CREEK	1
MANSFIELD	1
MARTHASVILLE	1
MEXICO	2
MOBERLY	3
MONETT	1
MONTGOMERY CITY	3
MOSCOW MILLS	4
NEVADA	37
O'FALLON	3
OSAGE BEACH	1
PACIFIC	4
PARK HILLS	6
PEVELY	1
POPLAR BLUFF	7
PORTAGEVILLE	1
RAYTOWN	5

Competitive Local Exchange Carrier Access Line Report

EXCHANGE**Pure Resale**

RIVERVIEW	1
SCOTT CITY	1
SEDALIA	1
SENATH	1
SIKESTON	1
SPRINGFIELD	16
ST ANN	4
ST CHARLES	2
ST JOSEPH	8
ST LOUIS	678
TROY	2
UNION	1
VALLEY PARK	1
VIENNA	1
VILLA RIDGE	3
VINITA PARK	1
WARRENTON	4
WASHINGTON	2
WEBB CITY	3
WENTZVILLE	10
WILDWOOD	1
WRIGHT CITY	4

1137

Instructions for completing the Competitive Local Exchange Carrier Access Line Report

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Annual Report of Bartel Communications, Inc. for the year ended December 31, 2001

VERIFICATION

The foregoing report must be verified by the oath of the President or chief officer of the company. The oath required may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

OATH

State Of _____
County Of _____ } ss:

THOMAS R. HIRD makes oath and says that
(Insert here the name of the affiant)

he is VICE PRESIDENT
(Insert here the official title of the affiant)

of BARTEL COMMUNICATIONS, INC.
(Insert here the exact legal title or name of the respondent)

that he has examined the foregoing report; that to the best of his knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent.

JANUARY 1, 2001, to and including DECEMBER 31, 2001

Thomas R. Hird
(Signature of affiant)

Subscribed and sworn before me, a notary public in and for the
State and county above named, this 15th day of April, 2002

My Commission expires BECKY R. SCHAEFER
NOTARY PUBLIC—STATE OF MISSOURI, 20
ST. LOUIS COUNTY
MY COMMISSION EXPIRES MAY 29, 2005

Becky R. Schaefer
(Signature of officer authorized to administer oaths)