

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

In the Matter of the Discontinuance of)	
the Registration of Metro Fibernet, LLC)	File No. DD-2023-0320
d/b/a Metronet)	

In the Matter of the Discontinuance of)	
the Registration of Metro Fibernet, LLC)	File No. TD-2023-0324
d/b/a Metronet)	

MOTION TO DISMISS

COMES NOW Metro Fibernet, LLC d/b/a Metronet (Metronet or Company), by and through its counsel, and for its *Motion to Dismiss*, states and follows:

1. On March 24, 2023, in the above referenced File, the Staff of the Missouri Public Service Commission (Staff) filed a *Motion to Cancel Registration* (Motion) of Metronet's basic local and interexchange telecommunications service authority (CLEC/IXC) granted by the Missouri Public Service Commission (Commission) in TA-2022-0046 on August 31, 2021. The basis upon which Staff filed its Motion was the Company's failure to timely submit its Annual Report to the Commission for calendar year 2021, as well as its failure to timely submit the Statement of Revenue Report for fiscal year 2023.

2. Similarly, on March 24, 2023, in File No. TD-2023-0324, Staff also filed a *Motion to Cancel Registration* of Metronet's interconnected voice over internet protocol (VoIP) service authority granted by the Commission in Case No. DA-2022-0045. The basis upon which Staff filed its Motion was the Company's failure to timely submit its Annual Report to the Commission for calendar year 2021, as well as its failure to timely submit the Statement of Revenue Report for fiscal year 2023.

3. Metronet first became aware of Staff's Motions on March 28, 2023, upon receipt of the *Order Establishing Time to Respond* in both matters. After correspondence with both Staff and Staff Counsel, Metronet filed the required 2021 Annual Reports for CLEC/IXC service and VoIP service authority on March 30, 2023 (see evidence of the same in Attachment A). Additionally, Metronet also filed its required 2022 Statement of Revenue on March 30, 2023 (which was due on March 31, 2023. As the Commission used an estimate for Metronet's fiscal

year 2023 Assessment, Metronet was instructed that a 2021 Statement of Revenue filing was unnecessary.

4. Metronet sincerely regrets its unintentional oversight of these filings. There was an internal misunderstanding regarding the year in which Metronet received CLEC/IXC and IVolP authority from the Commission. Metronet's compliance team mistakenly believed its authorities from the Commission were not received until 2022, and therefore no filing was due for 2021. Further, the Company's Official Representative and associated email in the EFIS System was incorrect and as a result, Metronet's Regulatory department was not properly receiving Staff's communication to try to resolve the Company's deficiencies. We quickly addressed both issues that led to Metronet's reporting deficiencies and implemented internal measures to ensure all required filings are made in a timely manner in the future.

5. Metronet takes the obligations required of both a CLEC/IXC and IVolP provider in Missouri very seriously, including all reporting requirements, as evidenced by its diligent response to Staff's Motions once it was aware of the Company's errors. Metronet appreciates Staff's assistance with correcting the Company's deficiencies.

WHEREFORE, given that the Company quickly addressed the deficiencies identified by Staff, Metronet respectfully requests the Commission to dismiss the above captioned proceedings, permit Metronet's CLEC/IXC and IVolP authorities to remain active and in good standing, and to not impose any fines related to Metronet's failure to timely submit its 2021 Annual Reports and 2021 Statements of Revenue.

Respectfully submitted,

/s/Johnny Y. Chuang

Johnny Y. Chuang
Corporate Counsel
Missouri Bar No. 46878
Metro Fibernet, LLC
8837 Bond Street
Overland Park, KS 66214
(913) 794-3157
johnny.chuang@metronet.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, to the persons shown on the attached list, this 4th day of April, 2023.

/s/Johnny Y. Chuang

Missouri Public Service Commission
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@ded.mo.gov

ATTACHMENT A

From: efis.messenger@psc.mo.gov
To: alexandra.couts@psc.mo.gov; angela.niemeier@psc.mo.gov; Bob Bye; christy.kempker@psc.mo.gov; dianna.vaught@psc.mo.gov; kari.salsman@psc.mo.gov; kim.happy@psc.mo.gov; melissa.anderson@psc.mo.gov; paityn.house@psc.mo.gov; [Rose Mulvany Henry](#)
Subject: Non Case Related Filing BMAR-2023-1214
Date: Thursday, March 30, 2023 1:17:50 PM

WARNING: This mail is from an external source

WARNING: This mail is from an external source

****** Please do not reply to EFIS Messenger. Replies to this computer generated e-mail are routed to an unmonitored mailbox. ******

Company Name(s): MetroNet-CLEC/IXC(Telephone)

Type of Filing: Annual Report (MO PSC)

Reporting Year: 2021

Date Filed: 3/30/2023 1:17:34 PM

Thank you for submitting your 2021 Annual Report to the Missouri Public Service Commission.

This message is to notify you that your Annual Report has been received and a review of it is in progress, which may take 2 - 4 weeks. Upon completion of this review, you will receive a notification indicating either that the report is deemed complete with no errors or that the report contains errors or omissions. If errors or omissions are identified during the review process, an e-mail describing the deficiencies and actions necessary to bring it into compliance will be sent to the annual report contact listed on the report.

The review performed is only for procedural errors and omissions and is not a financial statement attested to by the Commission. While your Annual Report may be initially reviewed and accepted by the Commission, further reviews may be needed based upon the type of information provided. Should a subsequent review reveal deficiencies not previously identified, you will be notified of the new deficiencies and actions necessary to bring it into compliance.

The above is for informational purposes only and **DOES NOT REQUIRE A COMPANY RESPONSE**; however, if you have any questions, please feel free to contact 573-751-3234 (select option #4). When contacting the Commission concerning your report, please reference the following identification number: BMAR-2023-1214.

Please be advised that the Commission reserves the right to refuse or reject filings

that contain deficiencies.

ATTACHMENT A

From: efis.messenger@psc.mo.gov
To: alexandra.couts@psc.mo.gov; angela.niemeier@psc.mo.gov; Bob Bye; christy.kempker@psc.mo.gov; dianna.vaught@psc.mo.gov; kari.salsman@psc.mo.gov; kim.happy@psc.mo.gov; melissa.anderson@psc.mo.gov; paityn.house@psc.mo.gov; [Rose Mulvany Henry](#)
Subject: Non Case Related Filing BMAR-2023-1217
Date: Thursday, March 30, 2023 1:22:02 PM

WARNING: This mail is from an external source

WARNING: This mail is from an external source

****** Please do not reply to EFIS Messenger. Replies to this computer generated e-mail are routed to an unmonitored mailbox. ******

Company Name(s): MetroNet-(IVoIP)

Type of Filing: Annual Report (MO PSC)

Reporting Year: 2021

Date Filed: 3/30/2023 1:21:48 PM

Thank you for submitting your 2021 Annual Report to the Missouri Public Service Commission.

This message is to notify you that your Annual Report has been received and a review of it is in progress, which may take 2 - 4 weeks. Upon completion of this review, you will receive a notification indicating either that the report is deemed complete with no errors or that the report contains errors or omissions. If errors or omissions are identified during the review process, an e-mail describing the deficiencies and actions necessary to bring it into compliance will be sent to the annual report contact listed on the report.

The review performed is only for procedural errors and omissions and is not a financial statement attested to by the Commission. While your Annual Report may be initially reviewed and accepted by the Commission, further reviews may be needed based upon the type of information provided. Should a subsequent review reveal deficiencies not previously identified, you will be notified of the new deficiencies and actions necessary to bring it into compliance.

The above is for informational purposes only and **DOES NOT REQUIRE A COMPANY RESPONSE**; however, if you have any questions, please feel free to contact 573-751-3234 (select option #4). When contacting the Commission concerning your report, please reference the following identification number: BMAR-2023-1217.

Please be advised that the Commission reserves the right to refuse or reject filings

that contain deficiencies.