

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

The Staff of the Missouri)	
Public Service Commission,)	
)	
Complainant,)	
v.)	File No. <u>XC-2009-0424</u>
)	
NOW Intermedia, Inc.,)	
)	
Respondent.)	

STAFF’S MOTION TO VOLUNTARILY DISMISS

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and states as follows:

1. NOW Intermedia, Inc. (NOW or the Company) is a “telecommunications company” and “public utility” as defined in Section 386.020 and is subject to the jurisdiction of the Missouri Public Service Commission (the Commission) pursuant to Section 386.250.
2. On May 27, 2009, the Staff of the Commission filed a complaint against NOW Intermedia, Inc. because the company failed to file its 2007 and 2008 annual reports.
3. On June 29, 2009, in response to Staff’s complaint, the company filed a pleading admitting its failure but requesting that the Commission accept the company’s late-filed reports.
4. On June 29, 2009, the Commission issued an order in Case No. XD-2009-0423 cancelling NOW Intermedia’s certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications service.
4. On August 18, 2009, the Commission ordered Staff to file a pleading informing the Commission of whether NOW has satisfactorily filed its 2007 and 2008 reports.

5. The Company's 2007 and 2008 annual reports contained deficiencies. The Company was made aware of these deficiencies but failed to correct them.

6. On Friday October 2, 2009, the parties convened for a prehearing conference ordered by the Commission. After the on-the-record portion of the prehearing conference, the Company assured Staff that it was going to file corrected and updated annual reports via overnight delivery.

7. The Company has corrected deficiencies and filed corrected annual reports for 2007 and 2008 to Staff's satisfaction.

WHEREFORE, Staff respectfully moves to voluntarily dismiss its complaint against NOW Intermedia, Inc.

Respectfully submitted,

/s/ Samuel D. Ritchie
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Legal Counsel
Missouri Bar No. 61167

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I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 23rd day of October, 2009.

/s/ Samuel D. Ritchie_____