

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
September 29, 2000**

**CASE NO: TA-2000-323; TO-20001-134**

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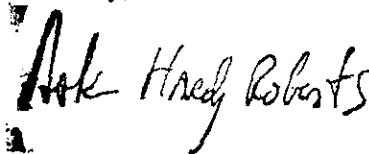
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,



**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge

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

In the Matter of the Application of 2<sup>nd</sup> Century  
Communications, Inc. for a Certificate of )  
Service Authority to Provide Basic Local ) Case No. TA-2000-323  
Telecommunications Services in the State of ) Tariff No. 200100252  
Missouri and to Classify Such Services and the )  
Company as Competitive )

In the Matter of 2<sup>nd</sup> Century Communications, )  
Inc.'s Request for Recognition of its Name ) Case No. TO-2001-134  
Change to 2<sup>nd</sup> Century Communications Group, Inc. ) Tariff No. 200100253

(Consolidated)

**ORDER DIRECTING FILING**

Case number TA-2000-323 resulted from 2<sup>nd</sup> Century Communications, Inc. (2<sup>nd</sup> Century) filing with the Missouri Public Service Commission (Commission) on September 6, 2000, a motion to reopen the case and to amend 2<sup>nd</sup> Century's conditional certificate of service authority to provide telecommunications services to reflect the change in its Missouri corporate name to 2<sup>nd</sup> Century Communications Group, Inc. A proposed tariff with an effective date of October 21, 2000, was also filed in this case and was assigned tariff number 200100252.

Case number TO-2001-134 is a request by 2<sup>nd</sup> Century for the Commission to recognize the change in its Missouri corporate name to 2<sup>nd</sup> Century Communications Group, Inc. An adoption notice and a revised title tariff sheet, with an effective date of October 7, 2000, were also filed in this case and assigned tariff number 200100253.

On September 14, 2000, since both cases involved the same party and the same issue, i.e., the name change from 2<sup>nd</sup> Century Communications, Inc. to 2<sup>nd</sup> Century Communications Group, Inc., the Commission consolidated the

cases for all purposes, with case number TA-2000-323 being the lead case. In addition, the Staff of the Commission (Staff) was ordered to file its recommendation on both cases no later than September 25, 2000.

In case number TA-2000-323, substitute tariff sheets were filed by 2<sup>nd</sup> Century on September 19, 2000.

The Staff late-filed a recommendation, with an attached memorandum, on September 26, 2000. Although Staff was ordered to file a recommendation on both cases, the memorandum only covered case number TO-2001-134. The Staff memorandum stated that the tariff in TA-2000-323 was "under review." However, Staff's recommendation itself did not include any reference to the fact that the Staff memorandum was incomplete nor did it request permission to late-file the recommendation and memorandum in case number TA-2000-323.

Staff also filed its motion to file its recommendation and memorandum out of time, alleging that the late-filing was due to inadvertence and also that the granting of its motion would not prejudice any other party.

Commission Rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." Staff's motion to file its recommendation out of time did not comply with Commission Rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief is requested.

Staff should have cited and complied with Commission Rule 4 CSR 240-2.050(3)(B) which states, in part:

When an act is required...to be done by order...of the commission at or within a specified time, the commission, at its discretion, may...[a]fter the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

Staff's motion did not comply with Commission Rule 4 CSR 240-2.050(3)(B) in that the motion did not address the issue of excusable neglect.

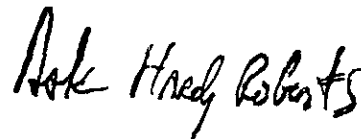
The Commission will order the Staff to comply with the Commission's earlier order directing Staff to file its recommendation and memorandum.

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Missouri Public Service Commission shall file, no later than October 4, 2000, its recommendation and memorandum in compliance with the Order Consolidating Cases and Directing Filing, issued on September 14, 2000.

2. That this order shall become effective on October 4, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 29th day of September, 2000.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 29<sup>th</sup> day of Sept. 2000.



*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**