

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 5, 2000**

CASE NO: TA-2000-323; TO-2001-134

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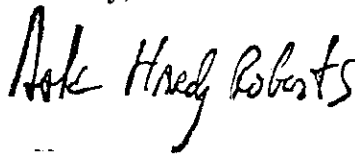
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P.O. Box 360
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Mark W. Comley

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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 2nd 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 2nd Century Communications,)
Inc.'s Request for Recognition of its Name) **Case No. TO-2001-134**
Change to 2nd Century Communications Group, Inc.) **Tariff No. 200100253**

(Consolidated)

**ORDER RECOGNIZING CHANGE OF CORPORATE
NAME AND APPROVING REVISED TARIFF**

Case number TA-2000-323 resulted from 2nd Century Communications, Inc. (2nd Century) filing with the Missouri Public Service Commission (Commission) on September 6, 2000, a motion to reopen the case and to amend 2nd Century's conditional certificate of service authority to provide telecommunications services to reflect the change in its Missouri corporate name to 2nd 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 2nd Century for the Commission to recognize the change in its Missouri corporate name to 2nd 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 2nd Century Communications, Inc.

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to 2nd 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 in both cases no later than September 25, 2000.

In case number TA-2000-323, substitute tariff sheets were filed by 2nd Century on September 19, October 3, and October 4, 2000.

The Staff filed a recommendation with an attached memorandum on September 26, 2000. Although Staff was ordered to file a recommendation on both cases, its pleading only covered case number TO-2001-134, stating that the tariff in TA-2000-323 was "under review." Staff's recommendation stated that it had reviewed 2nd Century's filing and revised tariff and had no objection to its approval in case number TO-2001-134. Staff recommended that the name change be recognized and the revised tariff in case number TO-2001-134, assigned tariff number 200100153, be approved to become effective October 7, 2000.

On the same day, Staff also filed its motion to file its recommendation 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 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.

The motion did not address the issue of excusable neglect nor the issue of why the recommendation was incomplete. Thus, on September 29, 2000, the Commission entered its order directing Staff to comply with its previous order as set forth above and to do so no later than October 4, 2000.

On October 4, 2000, Staff filed its motion for extension of time in case number TA-2000-323. Staff argued:

[that Staff] has not been able to complete its analysis due to circumstances beyond its control. Staff respectfully requests that the Commission grant it until [no later than] October 11, 2000, or seven...working [days] before the effective date of the tariff [i.e., October 21, 2000], to file its recommendation, as provided for by Internal Procedure No. 34. IP-34.6 [which] states in relevant part that "[a] Staff pleading addressing a tariff sheet shall be filed no later than 3:00 p.m. on the seventh (7th) working day (excluding holidays) prior to the effective date of the tariff...."

Staff's motion for extension of time will be granted.

The Commission has reviewed 2nd Century's filings in case number TO-2001-134 and the revised tariff, assigned tariff number 200100253, and has also reviewed Staff's recommendation, and finds that the change of name should be recognized and that the revised tariff reflecting the change of name should be approved.

IT IS THEREFORE ORDERED:

1. That the change of name from 2nd Century Communications, Inc. to 2nd Century Communications Group, Inc. is acknowledged.

2. That the revised tariffs in case number TO-2001-134, assigned tariff number 200100253 and denominated

Missouri PSC Tariff No. 2, Original Adoption Sheet

and

**Missouri PSC Tariff No. 2, First Revised Title Sheet replacing Original
Title Sheet**

are approved to become effective on October 7, 2000.

3. That the Staff of the Missouri Public Service Commission shall file its completed recommendation as previously ordered no later than October 11, 2000.

4. That this order shall become effective on October 7, 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 5th day of October, 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 5th day of Oct. 2000.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge