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KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW

Missouri Public Service Commission

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October 15, 2001

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. KOLILIS
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

FILED³
OCT 15 2001

RE: Case No. TA-2000-521

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF RESPONSE TO ORDER DIRECTING FILING**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
(573) 751-8701
(573) 751-9285 (Fax)

MP/lb
Enclosure
cc: Counsel of Record

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

FILED³
OCT 15 2001

In the Matter of the Application of @Link)
Networks, Inc., for a Certificate of Service)
Authority to Provide Basic Local)
Telecommunications Services in the State)
of Missouri and for Competitive)
Classification.

Missouri Public
Service Commission

Case No. TA-2000-521

STAFF RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and states:

1. On October 12, 2000, the Commission granted @Link Networks, Inc. a certificate of service authority to provide basic local telecommunications services in Missouri. The Commission's Order states that @Link's "certificate shall become effective when its tariff becomes effective." On November 3, 2000, @Link filed a proposed tariff, however, on November 13, 2000, @Link withdrew the proposed tariff.

2. @Link filed a Motion for Order Deferring Time to File Tariffs for Basic Local Service on January 29, 2001. In its motion, @Link stated that it "has indefinitely postponed its offering of basic local telecommunications in Missouri." Accordingly, @Link requested that the Commission indefinitely defer the filing of its tariff for basic local service. The Staff filed a response on February 8, 2001 opposing @Link's request and recommended that the Commission grant @Link until September 7, 2001 to file its tariff. @Link filed a pleading on February 14, 2001 and requested the tariff filing be postponed until September 7, 2001, consistent with the Staff's recommendation. On March 15, 2001 the Commission ordered @Link to file its tariff on or before September 7, 2001.

3. September 7, 2001 came and passed without a proposed tariff filing by @Link. The Commission issued an Order Directing Filing that ordered the Staff to “investigate and report, not later than October 15, 2001, regarding the status of @Link Networks, Inc., and its failure to file its proposed tariff.”

4. The Staff investigated this matter and reports that @Link filed for protection under Chapter 11 of the Bankruptcy Code on April 25, 2001. Appendix A is a Motion to Withdraw as Counsel filed in Case No. TE-2001-543.¹ The motion contains an attached letter addressed to all vendors and creditors of @Link. Attachment A indicates that @Link’s senior creditor had a lien on “virtually all of @Link’s cash and other assets” and has exercised its right to seize all of @Link’s cash and assets. The letter further indicates that @Link “has discontinued operations.”

5. Appendix B is a letter dated May 7, 2001 to the Commission from the Chairman and CEO of @Link. The letter states that due to @Link’s inability to find new sources of financing, “@Link has determined that it needs to discontinue service in all states.” The letter further requests that it be allowed to “maintain the operating authority previously granted @Link.”

6. Appendix C is a May 9, 2001 letter also addressed to the Commission from the Chairman and CEO of @Link. This letter states that @Link and its parent corporation, @Link Holdings, Inc., “ceased doing business.” This letter appears to contradict the May 7 letter that requested a continuance of @Link’s operating authority. The May 9 letter asks the Commission to “please terminate the operating authority previously granted @Link.” Appendix C is the most recent letter from @Link and indicates @Link’s desire to have its certificate of service authority

¹ In the Matter of @Link Networks, Inc. 2000 Annual Report to the Commission as an Alternative Basic Local Exchange Carrier and Confidential Treatment of a Portion Thereof, Case No. TE-2001-543.

canceled. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo 2000, which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

7. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494 (Mo. App. 1989).

8. The Staff recommends that the Commission cancel @Link's certificate to provide basic local telecommunications services and close this case. Without an approved tariff, @Link has not been able to serve basic local telecommunications customers and, therefore, no customers will be impacted if the Commission cancels @Link's certificate.

9. @Link did not comply with the Commission's order directing @Link to submit a proposed tariff no later than September 7, 2001. The Commission ordered the Staff to advise the Commission "whether or not sanctions should be sought against @Link Networks, Inc. for its failure to comply with a Commission order." The attached documents indicate that on September 7, 2001, @Link had already requested to have its certificate canceled. Therefore, the Staff does not recommend sanctions against @Link.

WHEREFORE, the Staff respectfully recommends that the Commission cancel @Link's certificate to provide basic local service and close this case.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Marc Poston
Senior Counsel
Missouri Bar No. 45722

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 15th day of October 2001.



BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of @Link Networks, Inc.)	
2000 Annual Report to the Commission as An)	Case No. TE-2001-543
Alternative Basic Local Exchange Carrier and)	
Confidential Treatment of a Portion Thereof)	

MOTION TO WITHDRAW AS COUNSEL

Comes now Mark W. Comley, attorney at law, Newman Comley & Ruth P.C. and pursuant to 4 CSR 240-2.040(6) respectfully requests the Commission for leave to withdraw as counsel for @Link Networks, Inc. In support thereof, the undersigned submits the following to the Commission:

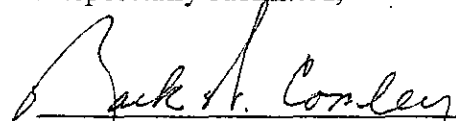
1. This matter was filed on behalf of @Link on or about April 11, 2001.
2. On May 22, 2001, counsel was advised by letter (attached) that the predominant secured creditor of the company had exercised its rights under existing financing agreements and had perfected its rights in the collateral by seizure. The collateral was apparently the entire asset base and network of @Link leaving no estates for any court of bankruptcy to administer. As a consequence, the officers of the company were purportedly placed in charge of winding up its affairs and dissolving the corporation.
3. Counsel has not been able to locate any officer(s) in charge of winding up the affairs of the company. All previous official contacts which counsel had relied on are no longer employed by the company and cannot be found. Under the circumstances counsel has been unable to acquire authority to either dismiss or prosecute this matter.
4. Counsel submits that based upon the foregoing, @Link has caused representation by the undersigned to be unreasonably difficult (if not practically impossible) and counsel should be

allowed to withdraw.

WHEREFORE, the undersigned respectfully requests leave to withdraw as counsel for
@Link Networks, Inc.

Respectfully submitted,

By:

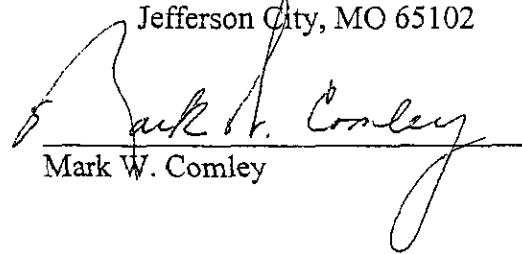

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
573/634-2266 (Telephone)
573/636-3306 (FAX)

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, on this 3rd day of July, 2001, to:

Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

David A. Meyer
Associate General Counsel
P.O. Box 360
Jefferson City, MO 65102


Mark W. Comley

RECEIVED

MAY 22 2001

Patrick J. O'Neil
Thomas G. Cannon
Dennis W. Hollman
Thomas A. Merkle
William A. Wiseman
J. Miles Goodwin
Russell C. Brannen, Jr.
James G. DeJong
Eugene O. Duffy
Randall L. Nash
Dean P. Laing
Steven J. Slawinski
Claude J. Krawczyk
Gregory W. Lyons
Steven L. Strye
Peter J. Faust
Kathryn A. Kronquist
Amy B. Herzog
Carl D. Holborn
Eric P. Slotegraaf
Todd M. Goodwin

Of Counsel
William Ryan Drew

May 18, 2001

MAN, COMLEY & ...

To: All Vendors and Creditors of @Link Holdings, Inc. and @Link Networks, Inc.
("@Link")

Re: Cessation of Business / Legal Dissolution of @Link

This firm is representing @Link in its legal dissolution. As you may be aware, @Link filed for protection under Chapter 11 of the Bankruptcy Code on April 25, 2001. This step was taken based upon legal advice that @Link would have available to it cash which could be used to continue operations while the company was restructured. Subsequent investigation showed that Nortel Networks, Inc., @Link's senior secured creditor, with an outstanding loan of over \$40 million to @Link, had a first lien on virtually all of @Link's cash and other assets and there was no separate source of cash for ongoing operations. Without cash, a viable reorganization plan was not a possibility. Accordingly, a federal bankruptcy judge in Delaware granted a motion to dismiss @Link's Chapter 11 petition.

The federal bankruptcy judge also was requested to move the case to Chapter 7, which would have included the appointment of a trustee to liquidate @Link. The judge determined, however, that the delivery of all of @Link's assets to Nortel would be insufficient to fully satisfy @Link's obligations to Nortel. Accordingly, with no unencumbered assets for unsecured creditors, a Chapter 7 proceeding would serve no purpose.

At this point, Nortel has, pursuant to its contractual rights and a court order obtained by it in a Colorado state court, seized all of @Link's cash and other assets (except those subject to effective senior security interests of others). This specifically includes all of @Link's former bank accounts, which now belong to Nortel. @Link has discontinued operations. The process of legally dissolving both corporations under applicable state laws is underway.

In light of the foregoing, if you are a vendor who has not ceased providing goods and/or services to @Link, you should do so immediately as there is no source of payment for the same.

If you have any questions regarding the foregoing, you may contact Russell C. Brannen, Jr. at the address and telephone number shown below.



RECEIVED
MAY 11 2001
UTILITY OPERATIONS
DIVISION

May 7, 2001

MISSOURI PUBLIC SERVICE COMMISSION
TRUMAN STATE OFFICE BLDG. 5TH FLOOR 301 WEST HIGH ST.(PO BOX 360)
JEFFERSON CITY, MO 65102-0360

RECEIVED *Nil*

MAY 11 2001

*Records
Public Service Commission*

RE: @Link Networks, Inc. f/k/a Dakota Services, Ltd.

Dear Sir or Madam:

As you may be aware, on April 25, 2001, @Link Holdings, Inc. and @Link Networks, Inc. ("@Link") filed in Delaware for federal bankruptcy protection under Chapter 11 of the Federal Bankruptcy Code. The case number for @Link Holdings is #01-1540 and for @Link Networks, Inc. is #01-1541. Those bankruptcy proceeding were dismissed on May 3, 2001.

@Link was compelled to file for bankruptcy protection due to certain events, including the following:

- o On April 17, 2001, Winstar Communications, Inc., from which @Link was expecting a \$40 million dollar payment on June 1, 2001, filed for bankruptcy protection;
- o On April 18, 2001, Nortel Networks, Inc., @Link's primary secured lender accelerated its debt and demanded payment in full.
- o @Link's potential bridge financing anticipated to close during the week of April 16, 2001, did not fund.
- o On April 25, 2001, Norlight Communications, Inc., a creditor of @Link, shut down virtually all of @Link's backbone network. This has since been temporarily restored.

After the above mentioned bankruptcy proceedings were dismissed, Nortel Networks, Inc. obtained a Temporary Restraining Order from the District Court, Boulder County, Colorado, which provides in pertinent part as follows:

"ORDERED that a Temporary Restraining Order is hereby issued prohibiting [@ Link Holdings, Inc. and @Link Networks, Inc.], together with their employees, officers, directors, agents, servants and attorneys, and all of those acting in concert or participation with them, from using the Collateral for any purpose other than to repay the obligations due Nortel under the Loan Documents...."

For the last few months, @Link has worked diligently to seek new sources of financing, or a strategic partner, that would allow @Link to continue with its current footprint. However, in light of the events mentioned above and the current capital market constrictions, @Link has determined that it needs to discontinue service in all states.

We are aware that many states have statutory and regulatory requirements regarding suspension or discontinuation of service. However, due to circumstances beyond @Link's control, @Link's network is now being disconnected and operations discontinued in all areas. We therefore respectfully request that you take the following actions:

APPENDIX B

1. Please withdraw any tariffs applicable to @Link or its predecessor, Dakota Services, Ltd. ("Dakota"), or alternatively, change @Link's tariffs status to inactive.
2. Please maintain the operating authority you previously granted @Link or Dakota. @Link desires to maintain its operating flexibility while it is undergoing these changes so that it may either emerge from with all of its certifications intact, or be positioned to sell the company's assets, including transferring its certifications, should that option be necessary.
3. To the extent that any approvals or consents are required to maintain operating authority while not currently providing service in your state, please consider this letter a request for approval and waiver of all applicable laws, rules and/or regulations (i.e. *nunc pro tunc* approval of all actions) related to this or any other actions @Link must take in accordance with or as a result of any future federal or state court orders.

In considering @Link's request, please consider the following factors:

- While @Link is certificated as a Competitive Local Exchange Carrier (CLEC) or its equivalent in many locations, @Link does not provide dial tone service to consumers. Its business is high speed data service previously determined by the Federal Communications Commission to be an interstate special access service.
- @Link has no customers of any type in many states receiving this letter.
- Upon filing its bankruptcy petition, @Link began making a good faith effort to notify its customers by phone that their service was being terminated, and @Link has provided them with information concerning alternative service providers. Additionally, @Link has posted information on its website containing information regarding a notification letter to customers and web- links to alternate service providers.
- @Link is making every possible effort to keep its network up in order to migrate its existing subscribers to alternate service providers as soon as possible.

If there is any other information I can provide, please call me at 303-542-1400.

Very truly yours,



Alexander Good
Chairman and CEO



RECEIVED

MAY 15 2001

Records
Public Service Commission

Bill Hest
FXI - further info
Ori: Nila
cc: Dale Roberts
Dan Joyce
Wes Henderson
Sheri Murphy

May 9, 2001

MISSOURI PUBLIC SERVICE COMMISSION
TRUMAN STATE OFFICE BLDG. 5TH FLOOR 301 WEST HIGH ST.(PO BOX 360)
JEFFERSON CITY, MO 65102-0360

RE: @Link Networks, Inc. f/k/a Dakota Services, Ltd.

Dear Sir or Madam:

By letter dated May 7, 2001("First Letter"), @Link Holdings, Inc. and @Link Networks, Inc. ("@Link"), successor to Dakota Services, Ltd., advised you about @Link's discontinuance of service in your area.

The purpose of this letter is to supplement the First Letter by advising you that @Link Holdings, Inc. and @Link Networks, Inc. have been unable to raise additional financing or align themselves with a strategic partner. As such, both corporations have ceased doing business and their respective assets have been or will be liquidated in the near-term. Accordingly, we respectfully request that you take the following actions:

1. Please withdraw any tariffs applicable to @Link or its predecessor, Dakota Services, Ltd. ("Dakota"), or alternatively, change @Link's tariffs status to inactive.
2. Please terminate the operating authority you previously granted @Link or Dakota.

If there is any other information I can provide, please call me at 303-542-1400.

Very truly yours,

Alexander Good
Chairman and CEO

**Service List for
Case No. TA-2000-521
Revised: October 15, 2001 (lb)**

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**Connie Kirkendall, Regulatory Manager
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