

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

MAR 04 2004

Missouri Public
Service Commission

The Staff of the Missouri Public Service)
Commission,)
)
Complainant,)
)
v.)
)
AGL Networks, LLC,)
)
Respondent.)

Case No. TC-2004-0314

VERIFIED ANSWER

COMES NOW AGL Networks, LLC (AGL), by its attorneys, and for its Verified Answer (see supporting Affidavit of Robert Schnorr attached hereto and incorporated herein by reference) to the Complaint of the Missouri Public Service Commission Staff (Staff) in this matter filed January 29, 2004, respectfully states as follows:

1. AGL admits that in states other than Missouri it conducts business as a “telecommunications company” and a “public utility” as defined in Section 386.020 RSMo (2000), but denies that it is now operating or ever has operated as such within the State of Missouri, and further denies the remainder of the allegations in Paragraph 1 of the Complaint. AGL further states that the only telecommunications-related activities that it has been involved in within the State of Missouri are: entering into an Indefeasible Right to Use (IRU) Agreement with Digital Teleport, Inc. (DTI) during 2002 for a 20-year lease of twelve (12) dark fibers; and the subsequent subleasing of all said dark fibers to a national banking company pursuant to a similar IRU, also during 2002. AGL further states that at no time has it furnished – nor is it required by any agreement to furnish --

“lit” fiber, enabling electronics, or any other form of “telecommunications service” whatsoever, as that term is defined in Missouri statutes, to any entity within the State of Missouri. At the time that it sought a Missouri certificate of service authority, AGL contemplated possibly providing telecommunications services in addition to the dark fiber requirements of the national banking company mentioned above within the State of Missouri. However, AGL later decided as a course of business not to offer telecommunications services in Missouri. The correct current contact information for AGL is:

AGL Networks, LLC
Attn: Contract Management
1200 Smith Street; Suite 900
Houston, Texas 77002

The Company’s registered agent with the Missouri Secretary of State’s Office is correct as stated in the Complaint.

2. AGL admits the allegations of Paragraph 2 of the Complaint.
3. AGL admits the allegations of Paragraph 3 of the Complaint.
4. AGL admits the allegations of Paragraph 4 of the Complaint.
5. AGL admits the allegations of Paragraph 5 of the Complaint.
6. AGL admits the allegations of Paragraph 6 of the Complaint.
7. AGL has insufficient information with which to admit or deny the allegations of Paragraph 7 of the Complaint, but states that AGL was in the process of relocating its Atlanta offices during the timeframe described in this paragraph, and AGL further states that it has no record of ever having received a letter from the Commission notifying AGL of a requirement to file an annual report covering the calendar year 2002.
8. AGL admits the allegations of Paragraph 8 of the Complaint.

9. AGL admits the allegations of Paragraph 9 of the Complaint.

10. AGL admits the allegations of Paragraph 10 of the Complaint, except that the effective date of the certificate of service authority granted by the Commission in Case No. XA-2003-0060 was October 11, 2002. AGL further states that it has no objection to the Staff's recommendation that the Commission proceed to find that AGL's certificate of service authority is null and void.

WHEREFORE, AGL respectfully requests that this Complaint case be closed without further action by the Commission, and without any penalty being imposed upon AGL.

Respectfully submitted,
AGL Networks, LLC

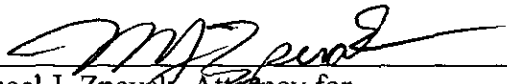
By: 
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Certificate of Service

I hereby certify that copies of the foregoing Verified Answer and supporting Affidavit of Robert Schnorr were mailed, first-class postage prepaid, to the following this 1 day of March, 2004.



Michael J. Zpevak, Attorney for
AGL Networks, LLP

David A. Meyer
Associate General Counsel
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

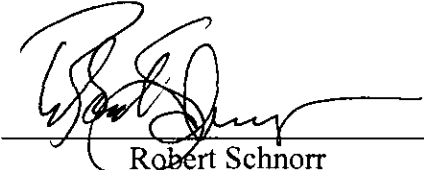
John Coffman, Esq.
Office of the Public Counsel
State of Missouri
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STATE OF TEXAS

COUNTY OF Harris

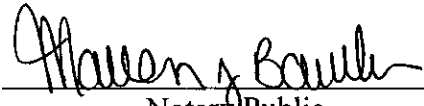
AFFIDAVIT

BEFORE ME, the undersigned Notary Public, on this 27th day of ~~March~~ ^{February}, 2004, personally appeared Mr. Robert Schnorr, Director of Commercial Transactions of AGL Networks, LLC (AGL), known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says that he has read the foregoing contents of AGL's Verified Answer in Case No. TC-2004-0314 before the Missouri Public Service Commission as set forth above and, to the best of his knowledge, information and belief, attests to the truth and accuracy of the statements therein.



Robert Schnorr

Subscribed and sworn to before me, a Notary Public, this 27th day of ~~March~~ ^{February}, 2004.



Notary Public

My commission expires: 5/13, 2004.

SEAL

