

CT CORPORATION

May 17, 2004

FILED³

MAY 18 2004

Missouri Public
Service Commission

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison St
Jefferson City MO 65102

Re: The Staff of the Missouri Public Service Commission, Complainant, v. TELEPLUS, INC.,
Respondent, Case No. TC20040369

Dear Mr. Roberts:

Process in the above-referenced case was attempted upon CT Corporation System as the purported agent for service of process for TELEPLUS, INC.

TELEPLUS, INC. is inactive on the records of the Secretary of State of Missouri. Our services for this company have also been discontinued for more than five (5) years and, as such, we no longer maintain a record of this company. Since we have no address to which to forward this process, we are returning it to you for further disposition.

Sincerely yours,



Edythe L. King
Sr. Process Specialist

Encl.

VIA FEDERAL EXPRESS

cc: New York Agent Services/Annie (Log#6306648)

120 South Central Avenue
Suite 400
Clayton, MO 63105
Tel. 314 863 5545
Fax 314 863 0259

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

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

TelePlus, Inc.,

Respondent.

Case No. TC-2004-0369

NOTICE OF CORRECTION

On May 13, 2004, an order in Case TC-2004-0368 was submitted to the Commission's Electronic Filing and Information System for Case No. TC-2004-0369. This submission was an error and the order in TC-2004-0368 (EFIS Docket Sheet Item No. 8) should not be considered a part of Case No. TC-2004-0369.

BY THE COMMISSION



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

(S E A L)

Dated at Jefferson City, Missouri,
on this 13th day of May, 2004.

Dippell, Senior Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day
of April, 2004.

The Staff of the Missouri Public Service
Commission,

Complainant,

V. _____

Telephone Co., Inc.,

Respondent.

Case No. TC-2004-0368

**ORDER GRANTING DEFAULT AND
CANCELING CERTIFICATE AND TARIFF**

Syllabus: This order finds Telephone Co., Inc., in default and cancels its certificate of service authority to provide interexchange telecommunications services in the state of Missouri and the related tariff.

On February 6, 2004, the Staff of the Commission filed a complaint against Telephone Co., Inc. In that complaint, Staff alleges that Telephone Co., Inc., did not file its 2002 annual report. Staff also alleges that Telephone Co., Inc., did not pay its annual assessment to the Commission for Fiscal Year 2004. Staff's complaint does not allege the dollar amount of the assessment that Telephone Co., Inc., failed to pay because Staff is concerned that unless the Commission orders that the assessment amount may be made public, such disclosure might be improper under Section 386.480, RSMo. For that reason, Staff asks the Commission to formally find that the Staff may publicly disclose the

amount of the unpaid assessment. Staff's complaint requests authority, as provided in Section 386.600, RSMo 2000, to bring a penalty action in circuit court against Telephone Co., Inc., for its failure to file its annual report, and its failure to pay its annual assessment.

On February 11, 2004, the Commission issued a Notice of Complaint that informed Telephone Co., Inc., of Staff's complaint and directed it to file an answer within 30 days of the date of the notice. The Notice was mailed by certified U.S. Mail, return receipt requested, and was returned as "unclaimed." On March 25, 2004, the Commission directed its Staff to serve the Notice on the Missouri Secretary of State under Section 351.380.1, RSMo. The Commission also directed that any response to the Notice must be filed no later than ten days after service. The Notice of Complaint was delivered to Telephone Co., Inc., by service on the Missouri Secretary of State on March 30, 2004. The Secretary of State served the Notice on the company by certified U.S. Mail, return receipt requested, received by the company on April 1, 2004. Telephone Co., Inc.'s answer was due no later than April 10, 2004. Telephone Co., Inc., did not file an answer.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.¹ Telephone Co., Inc., has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that Telephone Co., Inc., is in default and that Staff's allegations are admitted.

¹ That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of the issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

Staff's complaint also asks that Telephone Co., Inc.'s certificate of service authority and accompanying tariff be canceled if it fails to respond to the complaint. The Commission will grant the requested relief.

The Commission further finds that the amount of Telephone Co., Inc.'s annual Commission assessment should be public information. Therefore, Staff will be authorized to make that information available to the public.

IT IS THEREFORE ORDERED:

1. That default is hereby entered against Respondent, Telephone Co., Inc., and the averments of Staff's complaint are deemed admitted.
2. That the General Counsel of the Commission is directed to bring a penalty action against Telephone Co., Inc., in circuit court.
3. That the Staff of the Commission shall treat the amount of Telephone Co., Inc.'s unpaid annual assessment as public information.
4. That the certificate of service authority to provide interexchange telecommunications services granted to Telephone Co., Inc., in Case No. TA-91-91,² is canceled.
5. That Telephone Co., Inc.'s tariff – P.S.C. Mo. No. 1 – is canceled.

² In Case No. TA-91-91, Hillsboro Telephone Company, Inc., was granted a certificate of authority. In Case No. TO-96-17, Hillsboro changed its name to Telephone Co., Inc.

6. That this order shall become effective on April 30, 2004.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

(S E A L)

Gaw, Ch., Murray, and
Clayton, CC., concur.

Dippell, Senior Regulatory Law Judge

STATE OF MISSOURI

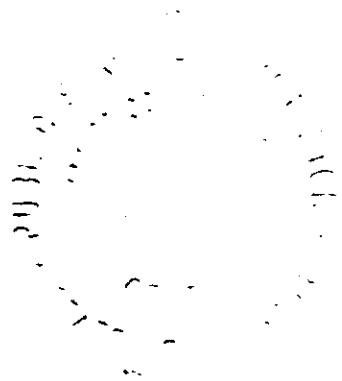
OFFICE OF THE PUBLIC SERVICE COMMISSION

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 13th day of May 2004 .



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

MISSOURI PUBLIC SERVICE COMMISSION

May 13, 2004

Case No. TC-2004-0369

Dana K Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

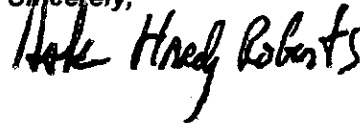
John B Coffman
P.O. Box 7800
200 Madison Street, Suite 640
Jefferson City, MO 65102

TelePlus, Inc.
Legal Department
107 Dove Crest Drive
Boerne, TX 78006-7828

The Corporation Company
Legal Department
120 S. Central Ave.
St. Louis, MO 63105

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day
of May, 2004.

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

TelePlus, Inc.,

Respondent.

Case No. TC-2004-0369

**ORDER GRANTING DEFAULT AND
CANCELING CERTIFICATE AND TARIFF**

Syllabus: This order finds TelePlus, Inc., in default and cancels its certificate of service authority to provide interexchange telecommunications services in the state of Missouri and the related tariff.

On February 6, 2004, the Staff of the Commission filed a complaint against TelePlus, Inc. Staff alleges that TelePlus, Inc., did not file its 2002 annual report. Staff also alleges that TelePlus, Inc., did not pay its annual assessment to the Commission for Fiscal Years 2003 and 2004. Staff's complaint does not allege the dollar amount of the assessment that TelePlus, Inc., failed to pay because Staff is concerned that unless the Commission orders that the assessment amount may be made public, such disclosure might be improper under Section 386.480, RSMo. For that reason, Staff asks the Commission to formally find that the Staff may publicly disclose the amount of the unpaid

assessment. Staff's complaint requests authority, as provided in Section 386.600, RSMo 2000, to bring a penalty action in circuit court against TelePlus, Inc., for its failure to file its annual report, and its failure to pay its annual assessments.

On February 11, 2004, the Commission issued a Notice of Complaint that informed TelePlus, Inc., of Staff's complaint and directed it to file an answer within 30 days of the date of the notice. The Notice was mailed by certified U.S. Mail, return receipt requested to the company's last known address and to its last known registered agent. The mailing to the last known address was returned as "unclaimed." The mailing to the registered agent was returned as "not deliverable as addressed, unable to forward." On March 25, 2004, the Commission directed its Staff to serve the Notice on the Missouri Secretary of State under Section 351.380.1, RSMo. The Commission also directed that any response to the Notice must be filed no later than ten days after service. The Notice of Complaint was delivered to TelePlus, Inc., by service on the Missouri Secretary of State on March 30, 2004. The Secretary of State served the Notice on the company by certified U.S. Mail, return receipt requested, received by the company on April 19, 2004. TelePlus, Inc.'s answer was due no later than April 29, 2004. TelePlus, Inc., did not file an answer.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.¹ TelePlus, Inc., has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that TelePlus, Inc., is in default and that Staff's allegations are admitted.

¹ That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of the issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

Staff's complaint also asks that TelePlus, Inc.'s certificate of service authority and accompanying tariff be canceled if it fails to respond to the complaint. The Commission will grant the requested relief.

The Commission further finds that the amount of TelePlus, Inc.'s annual Commission assessment should be public information. Therefore, Staff will be authorized to make that information available to the public.

IT IS THEREFORE ORDERED:

1. That default is hereby entered against Respondent, TelePlus, Inc., and the *averments of Staff's complaint are deemed admitted.*
2. That the General Counsel of the Commission is directed to bring a penalty action against TelePlus, Inc., in circuit court.
3. That the Staff of the Commission shall treat the amount of TelePlus, Inc.'s unpaid annual assessment as public information.
4. That the certificate of service authority to provide interexchange telecommunications services granted to TelePlus, Inc., in Case No. TA-96-56, is canceled.
5. That TelePlus, Inc.'s tariff – P.S.C. Mo. No. 1 – is canceled.

6. That this order shall become effective on May 23, 2004.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Gaw, Ch., Murray, and
Clayton, CC., concur.

Dippell, Senior Regulatory Law Judge

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 13th day of May 2004 .



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

MISSOURI PUBLIC SERVICE COMMISSION

May 13, 2004

Case No. TC-2004-0369

Dana K Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

John B Coffman
P.O. Box 7800
200 Madison Street, Suite 640
Jefferson City, MO 65102

TelePlus, Inc.
Legal Department
107 Dove Crest Drive
Boerne, TX 78006-7828

The Corporation Company
Legal Department
120 S. Central Ave.
St. Louis, MO 63105

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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