

CT CORPORATION

FILED<sup>2</sup>

APR 08 2004

April 7, 2004

Missouri Public  
Service Commission

Dale Hardy Roberts, Secretary/  
Chief Regulatory Law Judge  
Missouri Public Service Commission  
Adjudication Div.-Data Center  
200 Madison St.  
Jefferson City, Mo. 65102

TC-04-0404

RE: The Staff of the Missouri Public Service Commission,  
Complainant, vs. EQUALNET CORPORATION, Respondent.

Dear Mr. Roberts:

Process in the above-referenced case was attempted upon C T  
Corporation System as the purported agent for service of process for  
EQUALNET CORPORATION

EQUALNET CORPORATION 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 the company. Since we have no  
currently maintained address to which to forward process, we are  
returning the documents for further disposition.

Very truly yours,

Catherine Richardson

Encl.  
Federal Express  
CC: New York Office-Agent Service Div.-Annie  
Log #6208794

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

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 6th day of  
April, 2004.

The Staff of the Missouri Public Service  
Commission,

Complainant,

v.

EqualNet Corporation,

Respondent.

**Case No. TC-2004-0404**

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

**Syllabus:** This order finds EqualNet Corporation in default and cancels its certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri and the related tariff.

On February 17, 2004, the Staff of the Commission filed a complaint against EqualNet. In that complaint, Staff alleges that EqualNet did not file its 2002 annual report. Staff also alleges that EqualNet 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 assessments that EqualNet failed to pay because Staff is concerned that unless the Commission orders that the assessment amounts 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 assessments. Staff's complaint requests authority, as provided in Section 386.600, RSMo 2000, to bring a penalty action in circuit court against EqualNet for its failure to file its annual report, and its failure to pay its annual assessments.

On February 20, the Commission issued a Notice of Complaint that informed EqualNet of Staff's Complaint and directed it to file an answer within 30 days of the date of the notice. The Notice of Complaint was delivered to EqualNet by certified mail, return receipt requested, on February 23. EqualNet's answer was due no later than March 21. EqualNet 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.<sup>1</sup> EqualNet has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that EqualNet is in default and that Staff's allegations are admitted.

Staff's complaint also asks that EqualNet'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 EqualNet's annual Commission assessment should be public information. Therefore, Staff will be authorized to make that information available to the public.

---

<sup>1</sup> 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 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.

**IT IS THEREFORE ORDERED:**

1. That default is hereby entered against Respondent, EqualNet Corporation, 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 EqualNet Corporation in circuit court.
3. That the Staff of the Commission shall treat the amount of EqualNet Corporation's unpaid annual assessments as public information.
4. That the certificate of service authority to provide interexchange telecommunications services granted to EqualNet Corporation in Case No. TA-94-164 is canceled.
5. That EqualNet Corporation's tariff – Mo. PSC Tariff No. 2 – is canceled.
6. That this order shall become effective on April 13, 2004.
7. That this case may be closed on April 14, 2004.

**BY THE COMMISSION**



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

(SEAL)

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

Pridgin, 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 6<sup>th</sup> day of April 2004 .**

*Dale Hardy Roberts*

---

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

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 06, 2004**

**Case No. TC-2004-0404**

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

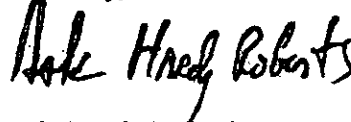
John B Coffman  
P.O. Box 7800  
200 Madison Street, Suite 640  
Jefferson City, MO 65102

/ EqualNet Corporation  
The Corporation Company  
120 South Central Avenue  
Clayton, MO 63105

EqualNet Corporation  
Legal Department  
1250 Wood Branch Park Drive  
Houston, TX 77079

**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**

*Missouri Public Service Commission*

Adjudication Division - Data Center

P.O. Box 360

Jefferson City, Missouri 65102-0360

MO 419-2651 (9-01)



UNITED STATES POSTAGE  
\$00.37<sup>0</sup>  
02 1A  
0004350512 APR 06 2004  
MAILED FROM ZIP CODE 65101

EqualNet Corporation  
The Corporation Company  
120 South Central Avenue  
Clayton, MO 63105

63105+1705 21

