

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

The Staff of the Missouri	)	
Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	Case No. _____
	)	
NOW Intermedia, Inc.,	)	
	)	
Respondent.	)	

**COMPLAINT**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and initiates this Complaint pursuant to Section 386.390 RSMo (2000)<sup>1</sup> and Rule 4 CSR 240-2.070, against NOW Intermedia, Inc. (NOW or the Company) for violation of Section 392.210.1 and Rule 4 CSR 240-3.540(1) relating to the filing of an annual report. In support of its Complaint, Staff respectfully states as follows:

1. NOW Intermedia, Inc. is a “telecommunications company” and “public utility” as defined in Section 386.020 and is subject to the jurisdiction of the Missouri Public Service Commission (the Commission) pursuant to Section 386.250.

2. In an Order<sup>2</sup> issued August 8, 2003, and effective August 15, 2003, the Commission granted NOW a certificate of service authority to provide intrastate interexchange telecommunications services and nonswitched local exchange telecommunications services in the State of Missouri.

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<sup>1</sup> All references to statutory sections refer to the Revised Statutes of Missouri (2000), as currently supplemented.

<sup>2</sup> See *Order Approving Interexchange And Nonswitched Local Exchange Certificate of Service Authority And Order Approving Tariff*, issued August 8, 2003, in Commission Case No. XA-2003-0495.

3. Section 392.210.1 states that telecommunications companies must “file an annual report with the Commission at a time and covering the yearly period fixed by the commission.”

4. The Company is incorporated under the laws of the State of Missouri and is listed as an “administratively dissolved” corporation by the Missouri Secretary of State.

5. As of the date of the filing of this Complaint, the Company’s registered agent according to the Missouri Secretary of State is:

Darryl Gill  
625 N. Euclid Ave. Suite 300  
St. Louis, MO 63108

6. The Company has provided the following contact information to the Commission:

NOW Intermedia, Incorporated  
462 N. Taylor Ave., Suite 4  
P.O. Box 4614  
St. Louis, MO 63108

7. On January 15, 2008, the Executive Director of the Commission emailed to NOW a communication notifying the Company of the requirement to file an annual report covering the calendar year 2007. Attached to this email the Executive Director sent the appropriate form for the Company to complete and return to the Commission along with instructions on how the Company could complete its filing electronically. The email was sent to the address that was current in the Commission’s Electronic Filing and Information System (“EFIS”) but did not reach the contact person, so NOW was mailed a paper copy of the cover letter and form on January 23, 2008. *See Exhibit A.*

8. Commission Rule 4 CSR 240-2.070(5)(E) requires “a statement as to whether the complainant has directly contacted the person, corporation or public utility about which complaint is being made.” In addition to the correspondence sent by the Executive Director in January 2008, the Commission’s General Counsel sent NOW follow up letters on May 27, 2008,

and October 14, 2008, notifying the Company that continued failure to submit an annual report may subject the Company to legal action to recover penalties as provided by state law. *See* Exhibit B.

9. On January 30, 2009, the Executive Director of the Commission emailed NOW notifying the Company of the requirement to file an annual report covering the calendar year 2008. *See* Exhibit C. The email was again returned and NOW was mailed a paper copy of the form and letter on March 5, 2009. *See* Exhibit C. A subsequent letter from the General Counsel's Office warning the company that they would be subject to penalties for failure to submit their annual report was sent on May 4, 2009. *See* Exhibit D.

10. Section 386.390.1 authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule, order or decision of the Commission."

11. Commission Rule 4 CSR 240-2.070(1) provides that the Commission's Staff, through the General Counsel, may file a complaint.

12. Commission Rule 4 CSR 240-3.540(1) requires all telecommunications companies to file their annual reports on or before April 15 of each year.

13. As of the date of the filing of this Complaint, the Company has not filed annual reports for the calendar years 2007 and 2008.

14. Section 392.210.1 provides that "[i]f any telecommunications company shall fail to make and file its annual report as and when required or within such extended time as the commission may allow. . . such company shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report...."

15. If the Commission determines after a contested hearing that the Company failed, omitted, or neglected to file its annual report, the Commission may then authorize its General Counsel to bring a penalty action in the circuit court as provided for in Section 386.600.

16. The Missouri courts have imposed a duty upon the Public Service Commission to first determine matters within its jurisdiction before proceeding to those courts for statutory penalties. *See State v. Carroll*, 620 S.W.2d 22 (Mo. App. 1981); *see also State ex rel. Cirese v. Ridge*, 138 S.W.2d 1012 (Mo.banc 1940).

### **PRAYER FOR RELIEF**

**WHEREFORE**, Staff now requests that the Commission open a complaint case pursuant to Section 386.390; and, after hearing, find that NOW Intermedia, Inc. failed, omitted, or neglected to file its 2007 and 2008 annual reports as required by Missouri statute; and authorize its General Counsel to bring a penalty action against the Company in the circuit court as provided in Section 386.600 for the statutory penalties set forth in Sections 392.210.1.

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie

Legal Counsel

Missouri Bar No. 61167

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4140 (Telephone)  
(573) 751-9285 (Fax)  
[samuel.ritchie@psc.mo.gov](mailto:samuel.ritchie@psc.mo.gov)

## 2007 Annual Report Form(s) from the Missouri Public Service Commission - CLEC-IXC

annualreports

**Sent:** Tuesday, January 15, 2008 4:07 PM

**Importance:** High

**Attachments:** 2007 AR cover letter Telco~1.pdf (39 KB) ; CLEC-IXC Annual Report 200~1.pdf (447 KB) ; CLEC-IXC Annual Report 2007.pdf (52 KB) ; CLEC\_IXC\_Annual\_Report\_2007.xls (99 KB)

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This correspondence serves as electronic distribution of the 2007 Annual Report form for companies with the registered utility type of Telephone (and a subtype of CLEC, CLEC/IXC, or IXC) at the Missouri Public Service Commission. A paper copy of the document will not be forwarded.

Review the cover letter attached for more details about the annual report form requirements. The forms are also available on the Missouri Public Service Commission website (<http://www.psc.mo.gov/forms>). The 2007 Annual Report form is due to the Missouri Public Service Commission on or before April 15, 2008. The attached electronic documents must be completed and returned using one of the acceptable methods.

Different formats of the form have been provided for your convenience. Updating Adobe Acrobat Reader to the newest version is recommended for the fillable form.

- The attached form (CLEC-IXC Annual Report 2007 Fillable Form.pdf) is designed to be filled out online in PDF format using Adobe Acrobat. After completing, save the file to your computer before submission in EFIS. For submission by mail, remember to sign the affidavit before sending. Please answer all questions carefully and completely, and send the completed form as instructed in the cover letter.
- Another version of the form (CLEC-IXC Annual Report 2007.pdf) is designed to be printed and filled out by hand. Please answer all questions carefully and completely, and send the completed form as instructed in the cover letter.
- An Excel document (CLEC-IXC Annual Report 2007.xls) is also attached for on-screen input of information. After completing, save the file to your computer before submission in EFIS.

If you have any questions regarding the form(s), please contact Joan Wandel by phone (573-751-4785) or by e-mail ([Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)).

Thank you.

**Missouri Public Service Commission**  
PO Box 360  
Jefferson City, MO

EXHIBIT A



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

**TERRY JARRETT**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

**January 15, 2008**

**RE: Calendar Year 2007 Annual Report**

**IMPORTANT NOTICE TO  
ALL MISSOURI PUBLIC UTILITIES**

Pursuant to Section 392.210, RSMo., Section 393.140, RSMo., and the rules at 4 CSR 240-3.540 (Telecommunications Companies), public utilities are required to submit an annual report to the Missouri Public Service Commission.

Please Note:

- ✓ Due on or before **[April 15, 2008.](#)**
- ✓ The form(s) submitted to the Commission must be originals in loose-leaf format (in lieu of a hard copy, an electronic version may be submitted in the Commission's Electronic Filing and Information System, EFIS).
- ✓ Attempts to substitute forms such as stockholder reports without concurrently filing official Commission forms with appropriate cross-references will be considered non-compliant.
- ✓ Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None", "0" or "N/A" where it truly and completely states the fact. An unanswered question will result in a deficiency notice requiring an additional response.
- ✓ Each utility must submit a report even if it had **NO** revenues during the reporting year.

**Reports that do not meet these requirements will not be considered "submitted." Utilities will be subject to legal action under state law for failure to submit annual reports on time without a timely extension request. A utility that does not timely file its annual report, or its response to a notice that its annual report is deficient when a response is sought, is subject to a penalty of one hundred dollars for each day that it is late in filing its annual report or response to a notice of deficiency.**

**Requests to submit annual report data under seal:**

Utilities may request classification of selected portions of their annual report as non-public. Please note that all information classified as non-public will still remain subject to potential disclosure as provided under the Missouri open records act (Chapter 610 RSMo) and Section 386.480, RSMo..

January 15, 2008

Page 2 of 2

In order to take advantage of this procedure, the submitter, either through EFIS or in hard copy form, must:

- A. Provide both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted under seal. The cover of each version must clearly identify whether it is the public or the non-public version. Each page of each version of the report containing non-public information should be clearly identified as containing such information.
- B. Submit both versions of the annual report with a cover letter stating that the utility is designating some or all of the information in its annual report as confidential information, including the name, phone number and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report.
- C. Prominently attach a detailed affidavit to both versions that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be a closed record, and stating that none of the requested information is available to the public in any format.

**Requests for extension to submit annual report:**

Utilities may request an extension of less than 30 days by 1) submitting a written notification prior to April 15<sup>th</sup> to the Manager of the Data Center (the EFIS option for this is located under "Filing/Submission - Non-case Related Submission - MO PSC Annual Report Extension Request") that states the reason for the extension, and 2) certifying that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus (i.e., where the Company is identified as a moving party in the case caption) of the proceeding.

All requests for an extension of 30 days or more must be filed prior to April 15th as a legal pleading. If the Company is a corporation or partnership, the pleading must be filed by an attorney licensed to practice in Missouri. If the utility is individually-owned, the Company owner may file this pleading. The pleading must state the reason for the extension and certify that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus of the proceeding (i.e., where the Company is identified as a moving party in the case caption). The filing should be submitted in pleading form and comply with the filing requirements of Chapter 2 of 4 CSR 240.

Questions about the annual report form or its content may be submitted to:  
Joan Wandel (573) 751-4785 or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)

The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov/>) or mailed to:

Manager of the Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100, Jefferson City, MO 65101  
(P.O. Box 360, Jefferson City, MO 65102-0360)

Sincerely,



Wess A. Henderson  
Executive Director

Enclosure

## Senn, Nikki

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**From:** System Administrator  
**To:** gill@nowcabletv.com  
**Sent:** Tuesday, January 15, 2008 4:10 PM  
**Subject:** Undeliverable: 2007 Annual Report Form(s) from the Missouri Public Service Commission - CLEC-IXC

Your message did not reach some or all of the intended recipients.

Subject: 2007 Annual Report Form(s) from the Missouri Public Service Commission - CLEC-IXC  
Sent: 1/15/2008 4:08 PM


The following recipient(s) could not be reached:

**gill@nowcabletv.com on 1/15/2008 4:11 PM**

The format of the e-mail address is incorrect. Check the address, look up the recipient in the Address Book, or contact the recipient directly to find out the correct address.

< MOMAIL1.mo.gov #5.1.3 SMTP; 553 sorry, relaying denied from your location [168.166.72.12] (#5.7.1)>

**NOW Intermedia, Incorporated was mailed  
a paper copy of the 2007 Annual Report  
form on 01/23/08.**







Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

TERRY JARRETT

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

WESS A. HENDERSON  
Executive Director

DANA K. JOYCE  
Director, Administration and  
Regulatory Policy

ROBERT SCHALLENBERG  
Director, Utility Services

NATELLE DIETRICH  
Director, Utility Operations

COLLEEN M. DALE  
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON  
General Counsel

January 15, 2008

Mailed 1/23/2008  
with a paper copy  
of the CLEC-IXC  
annual report form.

NOW Intermedia, Incorporated  
Attn: Darryl Gill  
P.O. Box 4614  
St. Louis, MO 63108

RE: Calendar Year 2007 Annual Report

### IMPORTANT NOTICE TO ALL MISSOURI PUBLIC UTILITIES

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- ✓ Attempts to substitute forms such as stockholder reports without concurrently filing official Commission forms with appropriate cross-references will be considered non-compliant.
- ✓ Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None", "0" or "N/A" where it truly and completely states the fact. An unanswered question will result in a deficiency notice requiring an additional response.
- ✓ Each utility must submit a report even if it had **NO** revenues during the reporting year.

**Reports that do not meet these requirements will not be considered "submitted." Utilities will be subject to legal action under state law for failure to submit annual reports on time without a timely extension request. A utility that does not timely file its annual report, or its response to a notice that its annual report is deficient when a response is sought, is subject to a penalty of one hundred dollars for each day that it is late in filing its annual report or response to a notice of deficiency.**

#### **Requests to submit annual report data under seal:**

Utilities may request classification of selected portions of their annual report as non-public. Please note that all information classified as non-public will still remain subject to potential disclosure as provided under the Missouri open records act (Chapter 610 RSMo) and Section 386.480, RSMo.

January 15, 2008

Page 2 of 2

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- B. Submit both versions of the annual report with a cover letter stating that the utility is designating some or all of the information in its annual report as confidential information, including the name, phone number and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report.
- C. Prominently attach a detailed affidavit to both versions that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be a closed record, and stating that none of the requested information is available to the public in any format.

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Questions about the annual report form or its content may be submitted to:  
Joan Wandel (573) 751-4785 or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)

The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov/>) or mailed to:

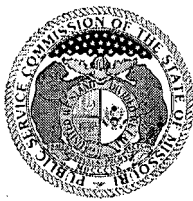
Manager of the Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100, Jefferson City, MO 65101  
(P.O. Box 360, Jefferson City, MO 65102-0360)

Sincerely,



Wess A. Henderson  
Executive Director

Enclosure



Commissioners

JEFF DAVIS  
Chairman

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ROBERT M. CLAYTON III

TERRY JARRETT

KEVIN GUNN

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NATELLE DIETRICH  
Director, Utility Operations

COLLEEN M. DALE  
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON  
General Counsel

May 27, 2008

Darryl L Gill  
NOW Intermedia, Incorporated  
462 N Taylor Ave #4  
St. Louis, MO 63108

Dear Darryl L Gill:

Pursuant to Section 392.210, RSMo Section 393.140, RSMo and the rules at 4 CSR 240-3.165 (Electric Utilities), 4 CSR 240-3.245 (Gas Utilities), 4 CSR 240-3.335 (Sewer Utilities), 4 CSR 240-3.435 (Steam Heating Utilities), 4 CSR 240-3.540 (Telecommunications Companies), and 4 CSR 240-3.640 (Water Utilities), public utilities are required to submit an annual report to the Missouri Public Service Commission on or before April 15th.

**This letter is a notification that the Missouri Public Service Commission has not received from your company its required 2007 Annual Report as of the date of this letter.**

Since your company has not filed its report on or before April 15th, it is subject to legal action under state law for failure to submit an annual report on time. A utility that does not file its annual report in a timely manner is subject to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day that it is late in filing its annual report. If this has been an oversight, filing of the required annual report no later than **June 13, 2008** will prevent assessment of the applicable penalty.

The completed annual report document should be submitted to the Public Service Commission either through the Electronic Filing and Information System (EFIS), which may be accessed from the Commission's web page (<http://www.psc.mo.gov/>), or by mail to the following address:

Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, MO 65102-0360

If you require assistance submitting the completed annual report in **EFIS**, please contact the Helpdesk by phone (866-365-0924 or 573-526-3648) or by e-mail ( [helpdesk@psc.mo.gov](mailto:helpdesk@psc.mo.gov) ). Questions regarding the annual report form or its content may be submitted to Joan Wandel by telephone (573-751-4785) or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'KAT', followed by a long horizontal flourish.

Kevin A. Thompson  
General Counsel



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

TERRY JARRETT

KEVIN GUNN

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Director, Utility Services

NATELLE DIETRICH  
Director, Utility Operations

COLLEEN M. DALE  
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON  
General Counsel

October 14, 2008

Darryl L. Gill  
NOW Intermedia, Incorporated  
462 N. Taylor Avenue #4  
St. Louis, MO 63108

Dear Mr. Gill:

Your file has been forwarded to the Missouri Public Service Commission (Commission) General Counsel's Office because the Commission did not receive your 2007 Annual Report, and it is now considered delinquent as of April 15, 2008. This letter is to determine the status of your annual report and when we can expect your filing of the report.

- Since your company did not file its report on or before the April 15, 2008 deadline, you are subject to legal action under Section 392.210 or 393.140 (6) RSMo (2000). A utility that does not file its report on time is subject to a penalty of \$100.00, and an additional penalty of \$100.00 for each day that it is late in filing its report.<sup>1</sup> Presently, the potential penalties accrued by your company are in the amount of **\$18,300.00**.
- If we receive your annual report by **Friday, October 24, 2008**, we will not proceed with a Complaint case against your company for the applicable penalties.
- Your annual report needs to be sent to:

Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P. O. Box 360  
Jefferson City, MO 65102-0360

<sup>1</sup> See 4 CSR 240-3.165 (9), 240-3.245 (9), 240-3.335 (9), or 240-3.640 (9).

You may also submit your annual report through the Electronic Filing and Information System (EFIS), which may be accessed from the Commission's web page <http://www.psc.mo.gov/>. If you require assistance submitting the completed annual report in EFIS, please contact the Commission's Information Services Helpdesk by phone (866-365-0924 or 573-526-3648) or by e-mail ([helpdesk@psc.mo.gov](mailto:helpdesk@psc.mo.gov)).

Thank you for your prompt attention to this matter. Should you have any questions, or if I may be of any assistance, please contact me at 573-751-8706 or Steven Reed at 573-751-3015.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Hernandez". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Hernandez".

Jennifer Hernandez  
Legal Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65109  
(573)-751-8706  
[jennifer.hernandez@psc.mo.gov](mailto:jennifer.hernandez@psc.mo.gov)



**Commissioners**

**ROBERT M. CLAYTON III**  
Chairman

**CONNIE MURRAY**

**JEFF DAVIS**

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Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

**January 30, 2009**

**RE: Calendar Year 2008 Annual Report**

**IMPORTANT NOTICE TO  
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- C. Prominently attach a detailed affidavit to both versions that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be a closed record, and stating that none of the requested information is available to the public in any format.

**Requests for extension to submit annual report:**

Utilities may request an extension of less than 30 days by 1) submitting a written notification prior to April 15<sup>th</sup> to the Data Center (the EFIS option for this is located under "Filing/Submission - Non-case Related Submission - MO PSC Annual Report Extension Request") that states the reason for the extension, and 2) certifying that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus (i.e., where the Company is identified as a moving party in the case caption) of the proceeding.

All requests for an extension of 30 days or more must be filed prior to April 15<sup>th</sup> as a legal pleading. If the Company is a corporation or partnership, the pleading must be filed by an attorney licensed to practice in Missouri. If the utility is individually-owned, the Company owner may file this pleading. The pleading must state the reason for the extension and certify that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus of the proceeding (i.e., where the Company is identified as a moving party in the case caption). The filing



January 30, 2009

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should be submitted in pleading form and comply with the filing requirements of Chapter 2 of 4 CSR 240.

Questions about the annual report form or its content may be submitted to:  
Joan Wandel (573) 751-4785 or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)

The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov/>) or mailed to:

Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100, Jefferson City, MO 65101  
(P.O. Box 360, Jefferson City, MO 65102-0360)

Sincerely,

A handwritten signature in cursive script that reads "Wess A. Henderson".

Wess A. Henderson  
Executive Director

Enclosure

**Senn, Nikki**

---

**From:** Mail Delivery Subsystem [MAILER-DAEMON@momail1.mo.gov]  
**To:** gill@nowcabletv.com; kellee.wamble@thomson.com  
**Sent:** Tuesday, February 17, 2009 5:36 PM  
**Subject:** Undeliverable: 2008 Annual Report Form from the Missouri Public Service Commission - CLEC-IXC-VOIP

Paper copy of the cover letter and form sent to  
NOW Intermedia, Incorporated on March 5, 2009.

**Delivery has failed to these recipients or distribution lists:**

[gill@nowcabletv.com](mailto:gill@nowcabletv.com)

The recipient's e-mail address is invalid. Microsoft Exchange will not try to redeliver this message for you. Please check the recipient's e-mail address and try resending this message, or provide the following diagnostic text to your system administrator.

**Diagnostic information for administrators:**

Generating server: momail1.mo.gov

gill@nowcabletv.com  
nowcabletv.com, mailin5-tf.thomson.com #<nowcabletv.com #5.1.2 SMTP; 550 Host unknown> #SMTP#

kellee.wamble@thomson.com  
nowcabletv.com, mailin5-tf.thomson.com #<mailin5-tf.thomson.com #5.0.0 SMTP; 550 5.0.0  
<kellee.wamble@thomson.com>... This thomson.com Mailbox Does Not Exist> #SMTP#

**Original message headers:**

Return-Path: <suzie.mankin@psc.mo.gov>  
Received: from PSCEXCH.psc.state.mo.us ([10.74.4.20]) by momail1.mo.gov  
(8.14.3/8.14.3) with ESMTP id n1HNV6jb003813 (version=TLSv1/SSLv3  
cipher=AES128-SHA bits=128 verify=NOT); Tue, 17 Feb 2009 17:31:06 -0600  
Received: from PSCEXCH.psc.state.mo.us (::1) by PSCEXCH.psc.state.mo.us  
(::1) with mapi; Tue, 17 Feb 2009 17:32:10 -0600  
From: annualreports <annualreports@psc.mo.gov>  
Importance: high  
Disposition-Notification-To: annualreports <annualreports@psc.mo.gov>  
Sender: "Mankin, Suzie" <suzie.mankin@psc.mo.gov>  
Date: Tue, 17 Feb 2009 17:32:09 -0600  
Subject: FW: 2008 Annual Report Form from the Missouri Public Service  
Commission - CLEC-IXC-VOIP  
Thread-Topic: 2008 Annual Report Form from the Missouri Public Service  
Commission - CLEC-IXC-VOIP



**Commissioners**

**ROBERT M. CLAYTON III**  
Chairman

**CONNIE MURRAY**

**JEFF DAVIS**

**TERRY JARRETT**

**KEVIN GUNN**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

**March 5, 2009**

**NOW Intermedia, Incorporated**  
**Attn: Darryl L Gill**  
**462 N Taylor Ave #4**  
**St. Louis, MO 63108**

**RE: Calendar Year 2008 Annual Report**

**IMPORTANT NOTICE TO  
ALL MISSOURI PUBLIC UTILITIES**

Pursuant to Section 392.210, RSMo., Section 393.140, RSMo., and the rules at 4 CSR 240-3.540 (Telecommunications Companies), public utilities are required to submit an annual report to the Missouri Public Service Commission.

Please Note:

- ✓ Due on or before **[April 15, 2009.](#)**
- ✓ The form(s) submitted to the Commission must be originals in loose-leaf format (in lieu of a hard copy, an electronic version may be submitted in the Commission's Electronic Filing and Information System, EFIS).
- ✓ Attempts to substitute forms such as stockholder reports without concurrently filing official Commission forms with appropriate cross-references will be considered non-compliant.
- ✓ Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None", "0" or "N/A" where it truly and completely states the fact. An unanswered question will result in a deficiency notice requiring an additional response.
- ✓ Each utility must submit a report even if it had **NO** revenues during the reporting year.

**Reports that do not meet these requirements will not be considered “submitted.” Utilities will be subject to legal action under state law for failure to submit annual reports on time without a timely extension request. A utility that does not timely file its annual report, or its response to a notice that its annual report is deficient when a response is sought, is subject to a penalty of one hundred dollars for each day that it is late in filing its annual report or response to a notice of deficiency.**

**Requests to submit annual report data under seal:**

Utilities may request classification of selected portions of their annual report as non-public. Please note that all information classified as non-public will still remain subject to potential disclosure as provided under the Missouri open records act (Chapter 610 RSMo) and Section 386.480, RSMo..

In order to take advantage of this procedure, the submitter, either through EFIS or in hard copy form, must:

- A. Provide both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted under seal. The cover of each version must clearly identify whether it is the public or the non-public version. Each page of each version of the report containing non-public information should be clearly identified as containing such information.
- B. Submit both versions of the annual report with a cover letter stating that the utility is designating some or all of the information in its annual report as confidential information, including the name, phone number and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report.
- C. Prominently attach a detailed affidavit to both versions that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be a closed record, and stating that none of the requested information is available to the public in any format.

**Requests for extension to submit annual report:**

Utilities may request an extension of less than 30 days by 1) submitting a written notification prior to April 15<sup>th</sup> to the Data Center (the EFIS option for this is located under “Filing/Submission - Non-case Related Submission - MO PSC Annual Report Extension Request”) that states the reason for the extension, and 2) certifying that a copy of the written request was sent to all parties of record in pending cases where the Company’s activities are the primary focus (i.e., where the Company is identified as a moving party in the case caption) of the proceeding.

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January 30, 2009

Page 3 of 9

by an attorney licensed to practice in Missouri. If the utility is individually-owned, the Company owner may file this pleading. The pleading must state the reason for the extension and certify that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus of the proceeding (i.e., where the Company is identified as a moving party in the case caption). The filing should be submitted in pleading form and comply with the filing requirements of Chapter 2 of 4 CSR 240.

Questions about the annual report form or its content may be submitted to:  
Joan Wandel (573) 751-4785 or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)

The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov/>) or mailed to:

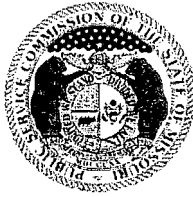
Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100, Jefferson City, MO 65101  
(P.O. Box 360, Jefferson City, MO 65102-0360)

Sincerely,

A handwritten signature in cursive script that reads "Wess A. Henderson".

Wess A. Henderson  
Executive Director

Enclosure



**Commissioners**

**ROBERT M. CLAYTON III**  
Chairman

**CONNIE MURRAY**

**JEFF DAVIS**

**TERRY M. JARRETT**

**KEVIN GUNN**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
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**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**VACANT**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

May 4, 2009

Darryl L. Gill  
NOW Intermedia, Incorporated  
462 N Taylor Avenue #4  
St. Louis, MO 63108

Dear Darryl Gill:

Pursuant to Section 392.210.1, RSMo, Section 393.140(6), RSMo, and the Rules at 4 CSR 240-3.165 (Electric Utilities), 4 CSR 240-3.245 (Gas Utilities), 4 CSR 240-3.335 (Sewer Utilities), 4 CSR 240-3.435 (Steam Heating Utilities), 4 CSR 240-3.540 (Telecommunications Companies), and 4 CSR 240-3.640 (Water Utilities), public utilities are required to submit an annual report to the Missouri Public Service Commission on or before April 15th.

**This letter is a notification and warning that the Missouri Public Service Commission has not received from your company its required 2008 Annual Report as of the date of this letter.**

If your company does not file its report by **May 15, 2009**, it will be subject to legal action under state law for failure to submit an annual report on time. A utility that does not timely file its annual report is subject to a penalty of one hundred dollars (\$100) and an additional penalty of one hundred dollars (\$100) for each day that it is late in filing its annual report.

Questions about the annual report form or its content may be submitted to: **Joan Wandel (573) 751-4785 or by email at [Joan.Wandel@psc.mo.gov](mailto:Joan.Wandel@psc.mo.gov)**. The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov>) or mailed to:

Manager of the Data Center  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, MO 65102-0360

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Thompson", is written over a horizontal line.

Kevin Thompson  
General Counsel