

**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  
September, 2005.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Globcom, Incorporated,	)	
	)	
Respondent.	)	

**Case No. XC-2006-0051**

**ORDER GRANTING DEFAULT**

Issue Date: September 20, 2005

Effective Date: September 30, 2005

On August 2, 2005, the Staff of the Commission filed a complaint against Globcom, Incorporated, alleging that Globcom (1) did not pay its Commission assessment for Fiscal Year 2005 and (2) failed to timely file its Annual Report for 2004. Staff's complaint does not allege the dollar amount of the assessments that Globcom 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 Globcom for its failure to file its annual report, and its failure to pay its annual assessment.

On August 3, 2005, the Commission issued a Notice of Complaint that informed Globcom of Staff's Complaint and directed it to file an answer within 30 days of the date of the notice. On August 8, the Commission received a return receipt showing that the Notice of Complaint was delivered to Globcom by certified mail, return receipt requested, on August 5, 2005. Globcom's answer was due no later than September 2. Globcom 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> Globcom has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that Globcom is in default and that Staff's allegations are admitted.

The Commission finds that Globcom has failed to pay its Commission assessment for Fiscal Year 2005 in violation of Section 386.370, RSMo 2000, and has also failed to file its Annual Report for 2004, in violation of Commission Rule 4 CSR 240-3.540(1) and Section 392.210.1, RSMo 2000.

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

The Commission hereby authorizes its General Counsel to seek penalties against Globcom pursuant to Section 386.600, RSMo 2000, based on the statutory penalties set

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<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.

forth in Sections 392.210.1 (for failing to file annual reports) and 386.570 and 386.590 (for failing to pay assessments), RSMo 2000.

**IT IS THEREFORE ORDERED:**

1. That default is hereby entered against Respondent Globcom, Incorporated, 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 Globcom, Incorporated, in circuit court.
3. That the Staff of the Commission shall treat the amount of Globcom's unpaid annual assessments as public information.
4. That this order shall become effective on September 30, 2005.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton,  
and Appling, CC., concur.

Thompson, Deputy Chief Regulatory Law Judge