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September 16, 2003

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: BarTel Communications, Inc.

Dear Ms. Joyce,

I am in receipt of your correspondence dated May 22, 2003 to BarTel Communications, Inc. (BTC) requesting payment of the Annual Assessment in the amount of \$649.51. This will advise that BTC ceased all operations in Missouri as of December 31, 2002 and has no plans to conduct any further business in Missouri or any other state. BTC has no funds to pay the Annual Assessment and anticipates filing a petition in bankruptcy prior to the end of 2003.

BTC became insolvent when Southwestern Bell Telephone Company started telemarketing its "Win Back" promotion to BTC's customers. Apparently, SWBT began its "Win Back" promotion after receiving regulatory approval to enter the long distance market. Over a short period, BTC lost more than half of its customer base and became insolvent. While BTC believes it is grossly unfair and anticompetitive for SWBT to use its records of a CLEC's customers to telemarket their services to those customers, BTC does not have the means to seek redress.

All BTC customers were transferred to SWBT prior to December 31, 2002. BTC did not collect any customer deposits and, to BTC's knowledge, there are no refunds due any customers. BTC desires to terminate its certificate authority in Missouri in a proper manner. However, I am not licensed to practice law in the state of Missouri and the company has no funds to retain Missouri counsel to file such an application. I am requesting your instructions as to the steps I should take to properly terminate the company's Missouri certificate.

I appreciate your assistance with this matter.

Very truly yours,

Richard W. Hird

Attachment A



Richard W. Hird, P.A.
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FILED³

FEB 08 2004

February 2, 2004

Hon. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

**Missouri Public
Service Commission**

Re: **Staff v. BarTel Communications, Inc.**
Case No. TC-2004-0127

Dear Mr. Roberts,

I am in receipt of a copy of the Commission's Order dated January 26, 2004 directing the General Counsel to file a pleading by February 9, 2004, advising the Commission of the status of this matter. I wanted to communicate the position of the company to you with the hope that this case can be resolved by agreement. This is a case where a CLEC has been forced out of business by the ILEC and has attempted, unsuccessfully, to properly relinquish its certificate authority rather than simply vanish.

On July 14, 2003, I contacted Bruce Bates at the MPSC and advised him that BarTel Communications, Inc. (BTC) had ceased operations as of December 31, 2002 and desired to surrender its Certificate authority in the state of Missouri. He indicated that he would check on the proper procedure and call me back; however, I did not hear from him until this morning. Mr. Bates called me today to discuss the status of this matter because the Commission ordered the General Counsel to file a status report by February 9, 2004.

On September 11, 2003, the Staff filed a formal complaint against BTC for failure to file its 2001 and 2002 annual reports and for failure to pay its annual assessment for 2003. I wrote to the General Counsel again on September 16, 2003, advising that BTC ceased all operations in Missouri as of December 31, 2002 and has no plans to conduct any further business in Missouri or any other state. As I indicated in my correspondence, BTC became insolvent when Southwestern Bell Telephone Company (SWBT) started telemarketing its "Win Back" promotion to BTC's customers. Apparently, SWBT began its "Win Back" promotion after receiving regulatory approval to enter the long distance market. Over a short period, BTC lost more than half of its customer base and became insolvent. While BTC believes it was grossly unfair and anticompetitive for SWBT to use its records of a CLEC's customers to telemarket their services to those customers, BTC did not have the means to seek redress. As I also indicated in my letter of September 16, all BTC customers were transferred to SWBT prior to December 31, 2002. BTC did not collect any customer deposits and, to BTC's knowledge, there are no refunds due any customers.

Attachment B

Dale Hardy Roberts
Executive Secretary
Missouri Public Service Commission
February 3, 2004
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On September 30, 2003, I filed a Motion in the above-referenced matter for Admission Pro Hac Vice, requesting admission for the limited purpose of responding to the Staff complaint and completing the forfeiture of BTC's Certificate. The Commission, correctly, ordered BTC to supplement its pleading to explain how I could be admitted without local counsel when the Missouri Rules of Civil Procedure require same. Obviously, there is no response that could satisfy the Commission.

It is my understanding that the pending complaint alleges that BTC (a) failed to file its annual reports for 2001 and 2002; and (b) failed to pay the assessment for 2003 in the amount of \$649.51. I advised Mr. Bates this morning that BTC did, in fact, file its annual reports for 2001 and 2002, copies of which are enclosed. As for the other allegation in the pending complaint, as I have previously advised the Commission, BTC ceased all operations as of December 31, 2002; thus, the assessment is for a period during which BTC was not operating as a CLEC in Missouri. Even if the Commission determines that BTC owes the assessment and/or a penalty, there are no funds or assets from which BTC can pay the assessment.

Very simply, BTC desires to terminate its certificate authority in Missouri in a proper manner. BTC does not want to ignore the Commission's orders; it wants to terminate its certificate in accordance with the rules of the Commission. However, I am not licensed to practice law in the state of Missouri and the company has no funds to retain Missouri counsel to file appropriate pleadings. Under these circumstances, I am uncertain as to how to properly proceed. BTC does not want to join the list of CLECs that have simply vanished; BTC wants to comply with Missouri law and properly respond to the pending complaint and relinquish its Certificate.

If you have any suggestions, I would appreciate your assistance with this matter.

Very truly yours,



Richard W. Hird

Encl.

cc: Dana K. Joyce
General Counsel
Missouri Public Service Commission
(with enclosures)