

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
December 23, 1999**

**CASE NO: TC-2000-176**

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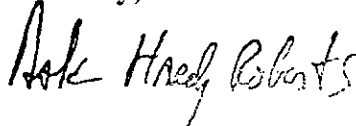
**General Counsel**  
Missouri Public Service Commission  
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6830 Walling Lane  
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**John W. Housley**  
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Housley, L.L.C.  
901 St. Louis Street, 20<sup>th</sup> Floor  
Springfield, MO 658060

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

**Sincerely,**



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

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

Nixa Area E-911 Board,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. TC-2000-176</u>
	)	
Missouri Comm South, Inc.,	)	
	)	
Respondent.	)	

**ORDER DIRECTING STAFF INVESTIGATION AND REPORT**

The Nixa Area E-911 Board (Complainant) filed a complaint with the Missouri Public Service Commission on August 20, 1999, against Missouri Comm South, Inc. (Missouri Comm or Respondent). The complaint requests that the Commission order the Respondent to provide an accounting of all amounts collected on behalf of the Complainant, to provide an accounting of all service users in the Complainant's area serviced by the Respondent, to remit all taxes collected on behalf of the Complainant to the Complainant, and to comply with all statutory requirements and procedures governing the Respondent's collection of taxes on behalf of the Complainant.

On August 24, 1999, the Commission issued a Notice of Complaint to Missouri Comm by certified mail, requiring Missouri Comm to answer within 30 days of the date of the notice (September 23). On September 16, 1999, Missouri Comm filed a letter which indicated that it has taken steps to gather the necessary information to resolve the issue. Missouri Comm stated that by the end of September 1999, it will provide the Nixa Area

E-911 Board with the information as requested concerning amounts collected and users serviced, and will remit the appropriate tax amounts as collected, in compliance with statutory requirements. However, the Respondent made no additional filings by September 30, 1999.

The Commission issued an Order Directing Filing on October 26, 1999, indicating that although Missouri Comm had filed a letter, it had not complied with the Commission's August order by filing either an answer or notice that the complaint had been satisfied. Therefore, the Commission directed Missouri Comm to file, no later than November 5, 1999, an answer or notice that the complaint has been satisfied. Missouri Comm failed to comply with this order also.

Therefore, the Commission issued a Second Order Directing Filing on December 2, 1999. This Second Order stated that if Respondent does not file the required answer or notice that the complaint has been satisfied on or before December 13, 1999, the Complainant's allegations will be deemed admitted pursuant to 4 CSR 240-2.070(9), and the Respondent shall be held in default. In addition, the Order noted that Respondent may be subject to penalties under Sections 386.570 and 392.360, RSMo 1994, for failure to comply with the Commission order. On December 13, 1999, Missouri Comm filed an Answer to Complaint and a Motion to Strike.

The Commission finds that it is appropriate to direct Staff to investigate the complaint and report its findings. Staff is also directed to respond to the Motion to Strike.

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Missouri Public Service Commission is directed to investigate the circumstances of the allegations and file a response no later than January 24, 2000. Staff is also directed to respond to the Motion to Strike filed on December 13, 1999 by Comm South Companies, Inc. d/b/a Missouri Comm South, Inc., by the same date.

2. That this order shall become effective on January 4, 2000.

**BY THE COMMISSION**



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

( S E A L )

Vicky Ruth, Regulatory Law Judge,  
by delegation of authority pursuant  
to 4 CSR 240-2.120(1) (November 30,  
1995) and Section 386.240, RSMo 1994.

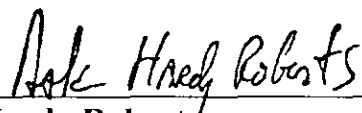
Dated at Jefferson City, Missouri,  
on this 23rd day of December, 1999.

**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 23<sup>rd</sup> day of December 1999.**



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