

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

June 23, 2000

CASE NO: TE-2000-733


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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

In the Matter of the Request of TON)
Services, Inc. for an Extension of) Case No. TE-2000-733
Time to file an Annual Report)

ORDER GRANTING LEAVE TO FILE ANNUAL REPORT OUT OF TIME

On May 4, 2000, TON Services, Inc. (TON) filed with the Missouri Public Service Commission (Commission) its 1999 annual report and its request to extend the filing date for its annual report¹.

Pursuant to Commission Rule 4 CSR 240-10.080(1), "[a]ll public utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year²."

TON stated that it was a certificated interexchange carrier in Missouri. As a telecommunications utility subject to the jurisdiction of the Commission, TON noted that it was required to file annual reports with the Commission each year by April 15. TON stated that although it had made diligent efforts to complete its 1999 annual report for submission by April 15, 2000, it was not able to file a complete and accurate annual report by that date. TON stated that it attempted to

1 Since the annual report was filed with the motion, TON's request is more accurately characterized as a motion to grant leave to file an annual report out of time.

2 April 15, 2000, was on a Saturday, thus effectively making the due date the following Monday, i.e., April 17, 2000.

file its annual report on April 21, 2000, but the document was returned to it by the Commission.

TON requested, pursuant to Commission Rule 4 CSR 240-10.080(8), that the Commission grant its request for an extension of time to May 4, 2000, for filing its annual report.

TON gave no reason for the late filing of its 1999 annual report.

Commission Rule 4 CSR 240-10.080(8) states, in part: "A utility which is unable to meet the filing date [of April 15]...shall make a written request to extend the filing date for its annual report...and state the reason for the extension request." TON did not comply with Commission Rule 4 CSR 240-10.080(8) in that its motion did not state a reason why it could not file its annual report until May 4, 2000.

The Commission, on June 15, 2000, issued an order requiring TON to file a supplemental pleading giving a reason for the late filing of its 1999 annual report.

On June 21, 2000, TON filed its supplemental pleading which corrected the deficiency. TON stated that it was unable to complete and file its annual report by the filing deadline because, as a new certificated provider of interexchange telecommunications service, TON's management did not correctly anticipate the amount of company resources and time that would be necessary to complete and file accurate annual reports in its many serving jurisdictions.

The Commission will accept the annual report and TON's explanation of why it failed to follow the Commission's rules on the deadline for filing annual reports.

TON is admonished to follow known and required deadlines in the future.

IT IS THEREFORE ORDERED:

1. That TON Services, Inc.'s motion for leave to file its annual report out of time shall be granted.
2. That this order shall become effective on July 3, 2000.
3. That this case may be closed on July 5, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 June, 2000.

**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 23rd day of June 2000.**

Dale Hardy Roberts

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

