

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

July 7, 2000

CASE NO: TE-2000-834

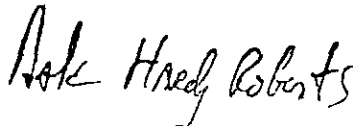
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

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 Norstan)
Network Services, Inc. for Leave to) Case No. TE-2000-834
File its Annual Report out of Time)

ORDER GRANTING REQUEST TO EXTEND FILING DATE FOR ANNUAL REPORT

On June 21, 2000, Norstan Network Services, Inc. (Norstan) filed with the Missouri Public Service Commission (Commission) a request to extend the filing date for its annual report. Although Norstan's pleadings do not indicate it, Norstan also filed its 1999 annual report on the same date. Thus, the request is more properly one for the Commission to grant leave to Norstan to file its annual report out of time.

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 year¹."

Norstan stated that it is a certificated interexchange telecommunications carrier in Missouri. As a telecommunications utility subject to the jurisdiction of the Commission, Norstan stated that it is required to file annual reports each year by April 15. Norstan stated

¹ April 15, 2000, was on a Saturday, thus effectively making the due date the following Monday, i.e., April 17, 2000.

that it attempted to file its annual report for the year ending December 31, 1999, by mailing the report to the Commission on April 15, 2000. Norstan stated that its management erroneously assumed that the postmark date would constitute the filing date, thereby making said filing timely and in conformance with the Commission's rules².

Subsequent to that date, Norstan stated that it received correspondence dated May 4, 2000, from the Commission, returning the annual report and advising Norstan, *inter alia*, that the postmark date did not constitute the date of filing and that a pleading requesting an extension of time would need to be filed by a Missouri attorney. Norstan stated that it could not and would not attempt to explain the excessive time delays apparently caused by the United States postal service's delivery of the documents in this matter. Norstan stated that it had made diligent efforts to respond to the Commission's correspondence and to make its filing as soon as practicable. Norstan does not clearly state in its pleading how filing an annual report nearly a month and a half after the filing deadline shows "diligent efforts" on Norstan's part.

Norstan requested that the Commission grant its request for an extension of time to the date of filing of the request and the annual report.

² It is unclear from Norstan's pleading how it arrived at this conclusion. Commission rule 4 CSR 240-2.080(12) states: "The date of filing shall be the date the pleading or brief is stamped filed by the secretary of the commission."

Norstan correctly stated that it was filing the pleading under Commission rule 4 CSR 240-10.080(8) which states, in part: "A utility which is unable to meet the filing date...shall make a written request to extend the filing date for its annual report...and state the reason for the extension request."

Upon review of Norstan's request and the official case file, the Commission finds that there is good cause to extend the deadline filing date for Norstan to file its annual report out of time because of Norstan's misunderstanding of the rule regarding the filing of annual reports. To Norstan's credit, it did make a good faith effort to file the annual report on time. Therefore, an order granting Norstan's request for an extension of time to file its annual report will issued.

However, Norstan is admonished to comply with known and required deadlines in the future.

IT IS THEREFORE ORDERED:

1. That Norstan Network Services, Inc.'s request for an extension of time to file its annual report shall be granted and the annual report filed on June 21, 2000, with its request shall be accepted.

2. That this order shall become effective on July 17, 2000.

3. That this case may be closed on July 18, 2000.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 1994.

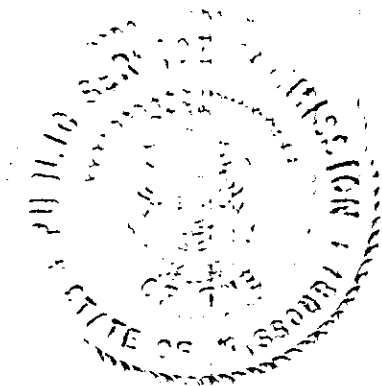
Dated at Jefferson City, Missouri,
on this 7th day of July, 2000.

**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 7TH day of July 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge