

**DeSimone Pearson, L.C.**

*Attorneys at Law*

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**FILED<sup>3</sup>**

**MAY 24 2000**

Missouri Public  
Service Commission

May 23, 2000

**VIA FEDERAL EXPRESS**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
The Truman State Office Building  
5th Floor, 301 West High Street  
Jefferson City, MO 65102

**Re: NewPath Holdings, Inc.; Case No. TA-2000-491**

Dear Mr. Roberts:

Enclosed for filing with the Commission, please find an original and 15 copies of an Unopposed Motion for Additional Extension of Time, accompanied by a Certificate of Service filed on behalf of NewPath Holdings, Inc. Please file stamp the extra copy and return it to us in the enclosed self addressed, stamped envelope.

Concurrently with the filing of this Motion and Certificate of Service with the Commission, we are transmitting additional copies to the Office of Public Counsel and the Office of General Counsel.

If you have any questions or concerns regarding any of the above information, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,

By

DeSimone Pearson, L.C.

  
Brad L. Pearson

BIP/jmg  
Enclosures

cc: Office of Public Counsel  
Office of General Counsel

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

**FILED<sup>3</sup>**  
MAY 24 2000

Missouri Public  
Service Commission

In the Matter of the Application of )  
NewPath Holdings, Inc. for a )  
Certificate of Service Authority to )  
Provide Switched and Dedicated )  
Resold and Facilities-Based Local )  
Exchange Telecommunications )  
Services and Resold and Facilities-Based )  
Interexchange Telecommunications )  
Services within the State of )  
Missouri and to Classify Said Services )  
and the Company as Competitive. )

Case No. TA-2000-491

**UNOPPOSED MOTION FOR ADDITIONAL EXTENSION OF TIME  
FOR FILING PROCEDURAL SCHEDULE**

NewPath Holdings, Inc. ("NewPath") hereby respectfully moves that the Missouri Public Service Commission (the "Commission") grant leave to NewPath and Southwestern Bell Telephone Company ("SWBT") to file a proposed procedural schedule no later than 3:00 p.m. on June 24, 2000. In support of this Motion, NewPath states as follows:

1. NewPath has applied to the Commission for Certificate of Service Authority to provide basic local and local exchange telecommunications services and resold and facilities-based interexchange telecommunications services within the State of Missouri, and to classify the company and such services as competitive.
2. On March 3, 2000, SWBT timely filed its Application to Intervene.
3. On March 21, 2000, the Small Telephone Company Group ("STCG"), filed its timely Application to Intervene.
4. On March 22, 2000, NewPath filed its Amended Application for Certificate of Service

Authority and Competitive Classification.

5. On March 30, 2000, STCG filed its Motion for leave to withdraw intervention in light of the Amended Application of NewPath.

6. On April 3, 2000, the Commission issued its Order stating that the parties' Procedural Schedule was due on April 24, 2000.

7. On April 4, 2000, the Commission issued an Order Granting Leave to Withdraw Intervention allowing STCG to withdraw its intervention.

8. On April 25, 2000, NewPath filed with the Commission its "Unopposed Motion For Extension of Time to File Procedural Schedule", and on May 1, 2000, NewPath filed its Amended Unopposed Motion For Extension to Time to File Procedural Schedule.

9. The Commission, by Order dated May 12, 2000, granted NewPath's Unopposed Motion For Extension of Time to May 24, 2000, for the filing of the Procedural Schedule.

10. NewPath, SWBT, and the Commission Staff are still in the process of reviewing and agreeing to a Stipulation and Agreement whereby NewPath, SWBT and the Commission Staff would request that the Commission issue an Order approving the terms of the Stipulation and Agreement and issue its Order granting authority and classification as requested by NewPath, subject to the conditions described in the Stipulation and Agreement.

11. After reviewing a follow-up letter on financial issues submitted by NewPath, the Commission Staff informed NewPath on May 23, 2000, that the Commission would require some additional documentary information regarding financial matters be provided to the Commission Staff. Due to the logistics of obtaining and forwarding this material to the Commission Staff, it is not possible to provide this information to the Commission Staff on or before May 24, 2000.

12. Since the Commission will not approve the Stipulation and Agreement until this additional documentary material regarding financial matters is provided to the Commission, this additional extension of time is required.

13. Counsel for the Commission, SWBT, and the Office of the Public Counsel have conferred with counsel for NewPath and all of them have agreed that it would be needlessly consumptive of the Commission's and the other parties' time and resources to attempt to agree on and file a Procedural Schedule at this time, since the parties are close to agreement on a Stipulation and Agreement.

14. This Motion is not proposed for the purpose of delay, but so that the interests of all parties and the public can best be served.

15. NewPath has consulted with the counsel for SWBT, and SWBT has no objection to the granting of this Motion by the Commission.

16. NewPath has consulted with counsel for the Commission, and the Commission's counsel has no objection to the granting of this Motion by the Commission.

17. NewPath has consulted with the Office of the Public Counsel and the Office of the Public Counsel has no objection to the granting of this Motion by the Commission.

For the foregoing reasons, therefore, NewPath hereby requests that the Commission grant this Motion granting the parties leave to file a proposed Procedural Schedule no later than 3:00 p.m. on June 24, 2000.

Dated: May 23, 2000

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brad L. Pearson', written over a horizontal line.

Brad L. Pearson MO Bar #36154

DeSimone Pearson, L.C.

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For: NewPath Holdings, Inc.

Before the  
MISSOURI PUBLIC SERVICE COMMISSION

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Missouri and to Classify Said Services )  
and the Company as Competitive. )

Case No. TA-2000-491

To the Commission:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Unopposed Motion For Additional Extension of Time For Filing Procedural Schedule in the above referenced matter was mailed, U.S. mail, postage prepaid, this 23<sup>rd</sup> day of May, 2000 to:

Paul G. Lane  
Leo J. Bub  
Anthony K. Conroy  
Mimi B. MacDonald  
Attorneys for Southwestern Bell Telephone Company  
One Bell Center, Room 3510  
St. Louis, MO 63101

Julie Kardis  
Office of General Counsel  
301 W. High Street  
Jefferson City, MO 65101

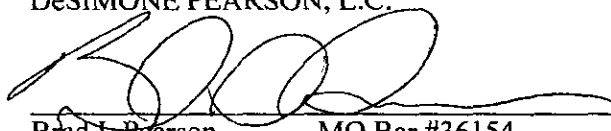
Office of the Public Counsel  
301 W. High Street  
Jefferson City, MO 65101

Dated: May 23 2000

Respectfully Submitted,

DeSIMONE PEARSON, L.C.

By



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