

**DeSimone Pearson, L.C.**

*Attorneys at Law*

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April 28, 2000

**FILED**<sup>2</sup>

MAY 02 2000

Missouri Public  
Service Commission

**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 14 copies of an Amended Unopposed Motion for Extension of Time, accompanied by a Certificate of Service filed on behalf of NewPath Holdings, Inc.

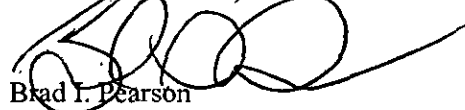
Concurrently with the filing of this Motion and Certificate of Service with the Commission, we are transmitting additional copies to the Office of Public Counsel and the Office of General Counsel.

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,

DeSimone Pearson, LC

By

  
Brad I. Pearson

BIP/jmg  
Enclosures

cc: Office of Public Counsel  
Office of General Counsel

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

**FILED**

MAY 2 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

**AMENDED UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE 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") and all other parties to file a proposed procedural schedule no later than 3:00 p.m. on May 24, 2000. NewPath also requests leave to file this Motion out-of-time. 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.

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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".

9. On April 27, 2000, the Commission issued its Notice of Default indicating that the Motion described in the proceeding paragraph failed to adequately state a reason for the filing of the Motion one day out-of-time and also noting that the filing did not state the position of the Office of the Public Counsel.

10. This Amended Unopposed Motion For Extension of Time to File Procedural Schedule specifically addresses the issues raised in the Commission's Notice of Default.

11. NewPath filed its original Unopposed Motion For Extension of Time to File Procedural Schedule one day out-of-time because, although NewPath's counsel had hoped to obtain approval of the various terms and conditions of the proposed Stipulation and Agreement on or before the date the Procedural Schedule was due, due to logistic and scheduling exigencies, it was not possible to complete the review and agreement of the parties before such date. As of April 24, 2000, therefore, due to timing and geographical considerations, it was not possible to file the Unopposed Motion For

Extension of Time to File Procedural Schedule until April 25, 2000, one day out-of-time.

12. NewPath requests leave to file this Amended Unopposed Motion For Extension of Time to File Procedural Schedule on May 1, 2000 because counsel for NewPath was not informed of the Notice of Default, issued by the Commission on April 27, 2000, until April 28, 2000, making May 1, 2000 the first date practicable on which NewPath could file this Motion.

13. NewPath, SWBT, and the Commission Staff will require additional time to review and agree 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.

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.

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.

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 May 24, 2000.

Dated: April 28, 2000

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brad T. Pearson', written over a horizontal line.

Brad T. Pearson MO Bar #36154

DeSimone Pearson, L.C.

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Kansas City, MO 64111

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For: NewPath Holdings, Inc.

Before the  
**MISSOURI PUBLIC SERVICE COMMISSION**

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Services and Resold and Facilities-Based )  
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Services within the State of )  
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 Amended Motion For Extension of Time to file Procedural Schedule in the above referenced matter was mailed, U.S. mail, postage prepaid, this 28<sup>th</sup> day of April, 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

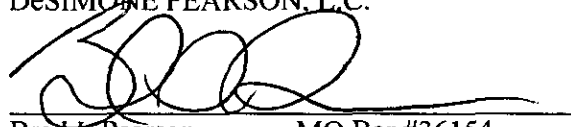
Office of the Public Counsel  
301 W. High Street  
Jefferson City, MO 65101

Dated: April 28, 2000

Respectfully Submitted,

DeSIMONE PEARSON, L.C.

By

  
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COUNSEL FOR NEWPATH