

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

June 23, 2000

CASE NO: TE-2000-794

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

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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 DMJ)
Communications Inc. for an Extension)
of Time to file its 1999 Annual Report) Case No. TE-2000-794

ORDER GRANTING EXTENSION OF TIME TO FILE ANNUAL REPORT

On May 30, 2000, DMJ Communications Inc. (DMJ) filed with the Missouri Public Service Commission (Commission) its request for an extension of time to file its 1999 annual report.¹

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."

DMJ stated that it was a reseller of prepaid basic local exchange telecommunications service, authorized by the Commission to serve customers in the state of Missouri by the granting of a certificate of service authority and approval of tariffs by an order issued May 20, 1999, in case number TA-99-337. DMJ stated that it had no customers in Missouri. DMJ stated that the filing of its annual report in Missouri was delayed because DMJ is acquiring a new president because of the terminal

1 Since DMJ filed its 1999 annual report along with its motion, the motion was actually a request to grant DMJ leave to file its report out of time, not a request to extend the filing deadline for the report.

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

illness of its present president, whose review and signature was necessary for the filing of its annual report. DMJ stated that it therefore requested an extension of time in which to file its 1999 annual report which was filed along with its request. DMJ assured the Commission that the delay in filing its 1999 annual report was not intentional and that it was taking appropriate measures to see that all future reports were filed in a timely manner.

Commission Rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." DMJ's request did not comply with Commission Rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief was requested. In spite of this deficiency, the Commission will not request DMJ to correct its motion since the Commission has inherent authority to extend a filing deadline.

Upon review of DMJ's motion and the official case file, the Commission finds that there is good cause shown for DMJ's request to extend the filing deadline for its annual report because of DMJ's acquisition of a new president. The Commission also finds that DMJ's motion substantially complies with the above-cited rules. Therefore, DMJ's motion will be granted and its annual report will be accepted.

IT IS THEREFORE ORDERED:

1. That DMJ Communications Inc. shall be allowed to file its annual report out of time.
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

A handwritten signature in cursive script, reading "Dale Hardy Roberts".

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**

