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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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 Facilities-) Case No. TA-2000-491
Based Local Exchange Telecommunications)
Services within the State of Missouri and to)
Classify Said Services and the Company as)
Competitive)

ORDER GRANTING AMENDED UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE PROCEDURAL SCHEDULE

NewPath Holdings, Inc. (NewPath) applied to the Missouri Public Service Commission (Commission) on February 10, 2000, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994¹, and Sections 392.410 and .450, RSMo Supp. 1999.

On March 24, 2000, the Commission entered an order which, *inter alia*, required the parties to file a procedural schedule no later than April 24, 2000.

On April 25, 2000, NewPath filed what it termed an "unopposed" motion for an extension of time to file a procedural schedule (first motion). NewPath stated, *inter alia*, that it was requesting that the Commission grant leave to NewPath and Southwestern Bell Telephone Company

¹ All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

(SWBT)² to file a proposed procedural schedule no later than May 24, 2000. NewPath stated that it also requested leave to file the first motion one day out of time; however, NewPath did not state any reason for the late filing. The Commission entered its notice of default on April 27, 2000, indicating that NewPath's first motion failed to adequately state a reason for filing it out of time as required by Commission Rule 4 CSR 240-2.050(4)(B), and also noting that the first motion did not state the position of the Office of the Public Counsel.

On May 2, 2000, NewPath filed an amended unopposed motion for an extension of time to file a procedural schedule (amended motion). NewPath stated that the amended motion specifically addressed the issues raised in the Commission's notice of default. NewPath stated that it filed the first motion out of time for the reason that, although its counsel had hoped to obtain approval of the various terms and conditions of a proposed stipulation and agreement on or before the date the procedural schedule was due, i.e., April 24, 2000, because of logistic and scheduling exigencies, it was not possible to complete the review and agreement of the parties before such date. NewPath stated that as of April 24, 2000, therefore, because of timing and geographical considerations, it was not possible to file the first motion until April 25, 2000.

NewPath stated that it, SWBT and the Commission Staff (Staff) would require additional time to review and agree to a stipulation and

² SWBT is an intervenor. It should be noted that the Commission's order of March 24, 2000, was directed to all the parties, not just to NewPath and SWBT.

) agreement whereby it, SWBT and Staff would request that the Commission issue an order approving the terms of a 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. NewPath stated that the amended motion was not proposed for the purpose of delay, but so that the interests of all parties and the public could be served. NewPath also stated that it had consulted with all the other parties and that none of them objected to the granting of NewPath's amended motion.

NewPath thus requested that the Commission grant its motion for leave to file a proposed procedural schedule no later than 3:00 p.m. on May 24, 2000.

) The Commission finds that good cause has been stated for NewPath's failure to file the first motion in time and NewPath's amended motion will be granted.

IT IS THEREFORE ORDERED:

1. That the parties shall file a proposed procedural schedule no later than 3:00 p.m. on May 24, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

2. That this order shall become effective on May 22, 2000.

BY THE COMMISSION

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

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 12th day of May, 2000.