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October 23, 2001

**VIA HAND DELIVERY**

Mr. Dale Roberts  
Executive Secretary  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, Missouri 65101

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

**OCT 23 2001**

**Missouri Public  
Service Commission**

Re: Joint Application of Claricom Networks, Inc., Claricom Holdings, Inc., Staples, Inc., Stacom Holdings, LLC and Platinum Equity, LLC for Approval of the Transfer of Stock in Claricom Holdings, Inc. to Stacom Holdings, Inc.  
Case No. ~~PA~~-2001-669  
TM-

Dear Mr. Roberts:

Enclosed for filing with the Commission are nine copies of Applicants' Amended Supplemental Pleading in Response to Orders Directing Filing. Please return to me one filed copy in the enclosed envelope.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

*Trina R. LeRiche*

Trina R. LeRiche

TRL/lsc

Enclosures

cc : Office of Public Counsel  
Office of General Counsel  
Marc D. Poston, Esq.

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

**FILED<sup>3</sup>**  
OCT 23 2001

Joint Application of )  
Claricom Networks, Inc., Claricom )  
Holdings, Inc., Staples, Inc., Stacom )  
Holdings, LLC, and )  
Platinum Equity, LLC for Approval of )  
the Transfer of Stock in Claricom )  
Holdings, Inc. to Stacom Holdings, Inc. )

Case No. TM-2001-669

Missouri Public  
Service Commission

**APPLICANTS' AMENDED SUPPLEMENTAL PLEADING IN  
RESPONSE TO ORDERS DIRECTING FILING**

Claricom Networks, Inc., Claricom Holdings, Inc., Staples, Inc., Stacom Holdings, LLC, and Platinum Equity, LLC ("Applicants") hereby files an amended supplemental pleading in response to the Missouri Public Service Commission's (the "Commission") Orders Directing Filing.

**I. INTRODUCTION**

1. Applicants filed a Joint Application for the transfer of stock in Claricom Holdings, Inc. ("Claricom") to Stacom Holdings, Inc. on June 7, 2001.

2. On June 18, 2001, the Commission issued an Order Directing Filing (the "First Order"). The First Order required the filing of additional information by June 28, 2001. Specifically, the Commission ordered Claricom to file an supplemental pleading which must include: (1) a statement indicating whether Claricom has any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involved customer service or rates which action, judgment or decision has occurred within three years of the date of the application; and (2) a statement that Claricom has no annual report or assessment fees that are overdue.

3. On June 29, 2001, Applicants filed a request for an extension of time to provide information pursuant to the First Order directing filing. In this request, the Applicants sought an extension of time up to and including July 18, 2001.

4. Before Applicants could provide supplemental pleadings, the Missouri Public Service Commission Staff (the "Staff") filed Staff's Motion to Dismiss Application for Approval of Transfer of Control on July 13, 2001.

5. On July 13, 2001, Applicants filed Applicants' Response to Staff's Motion to Dismiss the Application. In this response, the Applicants stated that they had no objection to dismissing the Joint Application for Approval of the Transfer of Stock for lack of jurisdiction.

6. On August 30, 2001, the Commission issued an Order Directing Filing (the "Second Order") requesting the Staff to supplement its Motion to Dismiss.

7. On October 1, 2001, the Staff filed Staff's Response to Order Directing Filing. On October 10, 2001, the Office of Public Counsel filed Suggestions of the Office of Public Counsel in Support of the PSC's Jurisdiction.

8. On October 12, 2001, the Commission issued an Order Directing Filing (the "Third Order"). In the Third Order, the Commission ordered that Applicants provide a statement of the impact the sale will have on tax revenues of political subdivisions as required under 4 CSR 240-2.060(7)(F). Further, the Commission ordered that the Applicants comply with the Commission's First Order requesting the Applicants to cure deficiencies in its Application.

9. Pursuant to the Commission's First and Third Orders, Applicants provide the following supplemental information:

## II. SUPPLEMENTAL INFORMATION

10. Pursuant to 4 CSR 240-2.060(1)(K), Claricom is aware of one pending action, Claricom Networks, Inc. d/b/a Staples Communications-Networks v. Uni-Tel, Case No. H-00-2541, pending in the United States District Court, Southern District of Texas. Claricom is unaware of any other pending action or final unsatisfied judgment which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application.

11. Pursuant to 4 CSR 240-2.060(1)(L), Claricom is aware of annual report or assessment fees which are overdue, but is taking action to correct these matters.

12. Pursuant to 4 CSR 240-2.060(7)(F), Claricom states that the sale will have no impact on the tax revenues of political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located because these transfer of stock does not involve "any structures, facilities or equipment of the companies."

WHEREFORE, Applicants respectfully request that the Commission consider this supplemental information.

Respectfully Submitted,

SONNENSCHN NATH & ROSENTHAL

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ATTORNEYS FOR PLATINUM EQUITY, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 23rd day of October, 2001, two true and correct copies of the above and foregoing was mailed, postage prepaid, to:

Michael Dandino  
Office of Public Counsel  
Missouri Public Service Commission  
200 Madison Street  
Suite 650  
Jefferson City, MO 65101

With one copy being mailed postage prepaid, on the same date to:

William K. Haas  
Office of General Counsel  
Missouri Public Service Commission  
200 Madison Street  
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Jefferson City, MO 65101

Marc D. Poston  
Senior Counsel  
Missouri Public Service Commission  
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Jefferson City, MO 65102

Jina R. Heliche  
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