

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of IG2, Inc., for)
Approval of Interconnection Agreement Under the) **Case No. TO-2002-170**
Telecommunications Act of 1996.)

ORDER REGARDING MOTION TO WITHDRAW, DIRECTING FILING,
AND CANCELING CONFERENCE

This order discusses counsel's motion to withdraw, directs Staff to investigate the status of the applicant and file a recommendation, and cancels the conference set for May 22, 2002.

On November 21, 2001, the Commission issued an order approving an interconnection agreement between IG2, Inc., and Southwestern Bell Telephone Company. Ordered paragraph 3 directed the parties to submit, no later than November 26, 2001, an executed copy of the interconnection agreement with the pages numbered sequentially. The parties were also instructed to file a notice in the official case file advising the Commission that they had complied with the order.

Over a period of four months, the Commission repeatedly ordered the parties to submit the required copy of the interconnection agreement, along with the notice of compliance. As the parties did not comply with the Commission's order and did not file a pleading explaining their failure to comply, the Commission issued an order on April 1, 2002, scheduling a conference for April 18, 2002.

On April 16, 2002, counsel for IG2 filed a Motion for Continuance, requesting that the conference scheduled for April 18, 2002, be continued as counsel was having difficulty contacting her client. By order issued April 17, 2002, the Commission rescheduled the conference to May 22, 2002.

On April 17, 2002, counsel for IG2 filed a Motion to Withdraw. Counsel indicates that she has attempted to contact IG2, by correspondence and telephone calls, on numerous occasions but has received no response. Counsel has learned that the fax and telephone numbers to IG2 have been disconnected. In addition, an overnight package sent on April 3, 2002, to IG2 was returned with a notation that IG2 had moved and that the package was undeliverable. As IG2 is a Delaware corporation, counsel contacted the Delaware Secretary of State's office to request current information and was informed that IG2 is no longer in good standing with the Delaware Secretary of State's office due to failure to file certain documents. Counsel reiterates that although numerous steps have been taken to locate and contact IG2, counsel has been unsuccessful. Therefore, counsel believes she can no longer reasonably nor accurately represent this client and requests that the Commission allow her to withdraw as counsel to IG2.

Commission Rule 4 CSR 240-2.040(6) provides that "[a]fter an attorney has entered an appearance for any party, the attorney may withdraw only by leave of the commission." At this time, the Commission is reluctant to allow counsel to withdraw, as no other attorney has entered an appearance for IG2. Therefore, the Commission will defer ruling on the request to withdraw. Instead, the Commission will direct Staff to investigate the circumstances surrounding IG2's failure to comply with the Commission's order and then file a report. Staff shall address whether IG2 is presently operating in Missouri, and

shall file its recommendation regarding whether any additional action by the Commission is necessary. In addition, the Commission finds that it is appropriate to postpone the conference currently scheduled for May 22, 2002, pending the Staff's investigation.

IT IS THEREFORE ORDERED:

1. That the Staff of the Commission shall investigate this matter as noted above and shall file its recommendation no later than June 3, 2002.
2. That the conference scheduled for May 22, 2002, is canceled.
3. That this order shall become effective on May 11, 2002.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(SEAL)

Vicky Ruth, Senior Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of May, 2002.

