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June 29, 2004

FILED<sup>2</sup>

JUN 30 2004

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts, Secretary  
Missouri Public Service Commission  
200 Madison St.  
Jefferson City, MO 65101

Re: Motion to Accept Late-Filed Pleading - Case No. TC-2004-0314

Dear Mr. Roberts:

Enclosed for filing with the Commission are an original and eight (8) copies of the AGL Networks, LLC Motion to Accept Late-Filed Pleading, plus an additional copy to be file-stamped and returned to me in the enclosed self-addressed, stamped envelope.

Please contact me with any questions or concerns. Thank you.

Sincerely,



16265 Waterfront Way  
St. Louis, MO 63040  
(636) 458-4580

Enclosures

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

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

JUN 30 2004

Missouri Public  
Service Commission

The Staff of the Missouri Public Service Commission,  
  
Complainant,  
  
v.  
  
AGL Networks, LLC,  
  
Respondent.

Case No. TC-2004-0314

**MOTION TO ACCEPT LATE-FILED PLEADING**

**COMES NOW** AGL Networks, LLC (AGL), by its attorneys, and for its Motion to Accept Late-Filed Pleading, respectfully states as follows:

1. On Friday, June 25, 2004, the undersigned counsel for AGL personally hand-delivered the original and the required number of copies of AGL's Verified Petition For Rehearing Or In The Alternative For Extension Of Time To File Annual Report (Verified Petition for Rehearing) to a UPS mailing center in St. Louis County, where AGL counsel resides and works, and requested and paid for guaranteed delivery by no later than 10:30 AM Monday, June 28, 2004, the due date for any petition for rehearing in this case.<sup>1</sup>

2. On the afternoon of Monday, June 28, 2004, when the undersigned counsel called UPS to track delivery of this filing he was informed that UPS records showed an attempt to deliver the filing that morning at 9:39 AM, but UPS records also reported that the office of the Secretary of the Missouri Public Service Commission was closed at that time, and that no further attempt to deliver the filing was made by UPS on June 28.

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<sup>1</sup> Counsel attests that a true and accurate copy of the receipt for this requested UPS delivery is attached hereto and incorporated herein by reference.

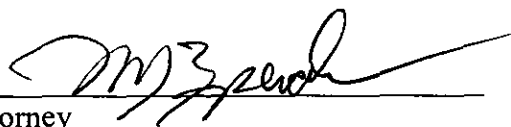
3. The undersigned counsel telephoned the office of the Commission's Data Center on June 29, 2004, and verified that the office indeed was not closed at all during normal business hours on June 28, 2004.

4. The undersigned counsel telephoned UPS again, on June 29, and requested earliest possible delivery on June 29, but was told that UPS can only guarantee a second attempt sometime on June 29 and a third attempt sometime on June 30.

5. The now-to-be late-filed AGL Petition refers (at Section (B)(5) on p. 10) to a second filing that was also supposed to be delivered to the Commission by UPS on June 28, 2004 -- an Erratum to AGL's 2002 Annual Report; of course, the Erratum was not timely delivered to the Commission either.

**WHEREFORE**, AGL through its undersigned counsel, respectfully requests that an extension of time to file be granted in this case that will permit AGL to file its Verified Petition for Rehearing by no later than June 30, 2004, for good cause shown.

Respectfully submitted,  
AGL Networks, LLC

By:   
Its Attorney  
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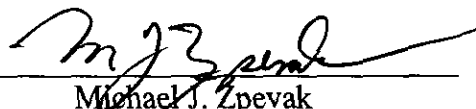
and Of Counsel

Norman Gerry, Esq.  
Gerry & Sapronov, LLP  
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June 29, 2004

**Certificate of Service**

I hereby certify that true copies of the foregoing Motion to Accept Late-Filed Pleading was mailed, first-class postage pre-paid, to the following individuals and addresses, this 29<sup>th</sup> day of June, 2004.



Michael J. Zpevak  
Attorney for AGL Networks, LLP

Copies to:

David A. Meyer  
Associate General Counsel  
Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

John Coffman, Esq.  
Office of the Public Counsel  
State of Missouri  
P.O. Box 7800  
Jefferson City, MO 65102

The UPS Store **PARCEL SHIPPING ORDER** Rev. 6/03

**CUSTOMER (please print)**

PRINT NAME MICHAEL ZPEVAK DATE 6/25/04

STREET 16265 WATERFRONT WAY PHONE (636) 458-4240

CITY/STATE/ZIP GRAVER MO 63040 E MAIL:

**PARCEL SHIPPING ORDER**

No. **41704968**

PKG.	SENT TO:	LIST ALL CONTENTS	DECLARED VALUE	C.O.D. AMT.	ZONE	WT	DIM. WT.	CK. ONE	Pkg. Charges Amt	Type
<b>A</b>	NAME <u>DALE HARDY ROBERTS</u>		\$	\$				<input type="checkbox"/> SONIC AIR	22.00	SHIP CHG
	MO. <u>PUBLIC SERVICE COMPANY</u>		<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> PACKED BY CUSTOMER				<input type="checkbox"/> EARLY A.M.		DEC VAL
	STREET <u>200 MADISON ST</u> APT. #		<input type="checkbox"/> COMMERCIAL					<input type="checkbox"/> NEXT DAY AIR		COD
	CITY/STATE/ZIP <u>JEFFERSON CITY MO 65101</u> PHONE		BREAKABLE	REPLACEABLE				<input type="checkbox"/> 2ND DAY AIR		PKG LABOR
	E MAIL:	EPSO#	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> 3 DAY SELECT		PKG MAT
			SEE #3 BELOW	SEE BACK				<input type="checkbox"/> GROUND		
								<input type="checkbox"/> OTHER		
<b>B</b>	NAME		\$	\$				<input type="checkbox"/> SONIC AIR		SHIP CHG
			<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> PACKED BY CUSTOMER				<input type="checkbox"/> EARLY A.M.		DEC VAL
	STREET	APT #	<input type="checkbox"/> COMMERCIAL					<input type="checkbox"/> NEXT DAY AIR		COD
	CITY/STATE/ZIP	PHONE	BREAKABLE	REPLACEABLE				<input type="checkbox"/> 2ND DAY AIR		PKG LABOR
	E MAIL:	EPSO#	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> 3 DAY SELECT		PKG MAT
			SEE #3 BELOW	SEE BACK				<input type="checkbox"/> GROUND		
								<input type="checkbox"/> OTHER		
<b>C</b>	NAME		\$	\$				<input type="checkbox"/> SONIC AIR		SHIP CHG
			<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> PACKED BY CUSTOMER				<input type="checkbox"/> EARLY A.M.		DEC VAL
	STREET	APT #	<input type="checkbox"/> COMMERCIAL					<input type="checkbox"/> NEXT DAY AIR		COD
	CITY/STATE/ZIP	PHONE	BREAKABLE	REPLACEABLE				<input type="checkbox"/> 2ND DAY AIR		PKG LABOR
	E MAIL:	EPSO#	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> 3 DAY SELECT		PKG MAT
			SEE #3 BELOW	SEE BACK				<input type="checkbox"/> GROUND		
								<input type="checkbox"/> OTHER		

1. Subject to the terms and conditions herein, this The UPS Store™ center ("we" or "us") will receive and forward parcels for customer ("you"). The carrier for all parcels accepted by us shall be UPS unless otherwise noted (other \_\_\_\_\_). Parcels accepted from you are subject to refusal for shipment by the carrier. You represent that your true name and address appear above.

2. We do not accept hazardous material, illegal items or articles of unusual value, including but not limited to cash and jewelry for shipment.

3. We assume no liability for the delivery of the parcels accepted for shipment or for loss or damage by any cause to the parcels or their contents while in transit. We are not liable for the failure of the carrier to properly collect or remit funds for C.O.D. parcels. If recipient's form of payment is accepted for C.O.D. by the carrier, you assume all risk. You acknowledge that you have read

and understand the instructions on the C.O.D. Tag and further agree that you accept all risk, including but not limited to, risk of nonpayment, insufficient funds and forgery. You further agree that we will not be liable upon any such instrument.

(Continued on back).

**CUSTOMER'S SIGNATURE**

I certify that I agree to the terms and conditions herein, and that the stated contents and the value of each package listed is truthful and complete.

SIGN HERE [Signature]

SUB-TOTAL	\$
TAX	
TOTAL CHARGES	\$
Thank You	
CENTER #	
EMPLOYEE'S INITIALS	

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