

SPENCER, SCOTT & DWYER, P.C.

E. P. DWYER, JR.
GARY C. LENTZ
ALEXANDER B. CURCHIN
JOHN S. DOLENCE
ROBERT L. GROSS
GINA D. ATTEBERRY
JASON J. HIGDON
JEFFREY W. HEIL

ATTORNEYS AT LAW
BANK BUILDING
402 MAIN STREET, 6TH FLOOR
P.O. BOX 278
JOPLIN, MO 64802-0278
PH 417-623-6211
FX 417-624-6981

HAYWOOD SCOTT
1876-1964
A. E. SPENCER, JR.
1902-1964
JOHN W. SCOTT
1906-1996
FREDERICK H. LAAS
1935-2001

www.ssdlawyers.com

March 16, 2004

FILED²

MAR 19 2004

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Missouri Public
Service Commission

Re: Missouri Public Service Commission v. St. John's Regional Medical Center
Case No: TC-2004-0406


Greetings:

Enclosed for filing please find Answer to Complaint. Please return a file-stamped copy to our office in the envelope provided.

Thank you for your assistance in this matter.

Very truly yours,

Spencer, Scott & Dwyer, P.C.



Gina D. Atteberry

GDA:so

Enclosures

cc: Bruce Bates
John Coffman

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 19 2004

The Staff of the
Missouri Public Service Commission,

Complainant,

v.

St. John's Regional Medical Center,

Respondent.

Missouri Public
Service Commission

Case No: TC-2004-0406

ANSWER TO COMPLAINT

COMES NOW Respondent, by and through counsel, and for its answer to the complaint in the above case, states as follows:

1. Respondent denies that St. John's Regional Medical Center is a "telecommunications company" and "public utility" as defined in Section 386.020 R.S.Mo. (2000) and is subject to the jurisdiction of the Missouri Public Service Commission ("Commission"). Respondent admits that the Commission granted St. John's Regional Medical Center a certificate of service authority to provide shared tenant services in Case No. TA-98-121 on September 1, 1998. Respondent denies that St. John's Regional Medical Center provided the contact information listed in Complainant's Complaint. Respondent admits that St. John's Regional Medical Center's registered agent is Gary L. Rowe at the address listed in the Complaint.

2. The allegation contained in this paragraph is not an allegation of fact and Respondent cannot admit or deny allegations of law; however, to the extent any fact is asserted, Respondent is without sufficient information to admit or deny the allegations of paragraph 2 of Complainant's Complaint and therefore denies same.

3. The allegation contained in this paragraph is not an allegation of fact and Respondent cannot admit or deny allegations of law; however, to the extent any fact is asserted, Respondent is without

sufficient information to admit or deny the allegations of paragraph 3 of Complainant's Complaint and therefore denies same.

4. The allegation contained in this paragraph is not an allegation of fact and Respondent cannot admit or deny allegations of law; however, to the extent any fact is asserted, Respondent is without sufficient information to admit or deny the allegations of paragraph 4 of Complainant's Complaint and therefore denies same.

COUNT ONE

5. The allegation contained in this paragraph is not an allegation of fact and Respondent cannot admit or deny allegations of law; however, to the extent any fact is asserted, Respondent is without sufficient information to admit or deny the allegations of paragraph 5 of Complainant's Complaint and therefore denies same.

6. The allegation contained in this paragraph is not an allegation of fact and Respondent cannot admit or deny allegations of law; however, to the extent any fact is asserted, Respondent is without sufficient information to admit or deny the allegations of paragraph 6 of Complainant's Complaint and therefore denies same.

7. Respondent denies that Respondent received a form or notice as set forth in paragraph 6 of the Complaint nor has Respondent received any other notice or contact or opportunity to correct its oversight from the Commission or Staff prior to receiving Complainant's Complaint and as to the remaining portion of this allegation Respondent is without sufficient information to admit or deny the allegations of paragraph 7 of Complainant's Complaint and therefore denies same.

8. Respondent admits that St. John's Regional Medical Center did not complete a form or file its 2002 annual report.

9. Respondent is without sufficient information to admit or deny the allegations of paragraph 9 of Complainant's Complaint and therefore denies same.

AFFIRMATIVE DEFENSES

Further answering Respondent Affirmatively states the following:

10. The Complaint fails to state a claim upon which any relief can be granted because St. John's Regional Medical Center does not offer or provide telecommunication or public utility services as described in Section 386.020(32) or Section 386.020(42) R.S.Mo., nor does it provide or offer resale of telecommunication services as set forth in Section 386.020(36) R.S.Mo.

11. The Public Service Commission does not have jurisdiction over Respondent under Section 386.250, R.S.Mo., as Respondent does not manufacture, sell or distribute gas or electricity or otherwise engage in activities as described in Chapter 386 R.S.Mo., nor is Respondent a telecommunications company or public utility.

12. Further, to the extent the Commission may have jurisdiction over Respondent, which such jurisdiction is denied by Respondent, St. John's Regional Medical Center is a Missouri not-for-profit corporation and the penalties requested are excessive and would negatively impact St. John's Regional Medical Center's ability to provide health care to the community in which Respondent is located.

REQUEST FOR MEDIATION

13. As an alternative to a hearing before the commission, Respondent hereby requests that the complaint be referred to a neutral third-party mediator.

MOTION TO ACCEPT ANNUAL REPORT OUT OF TIME

14. At the time of filing this answer Respondent is in the process of attempting to file its annual report, or will have filed its 2002 annual report due on or before April 15, 2003.

15. Respondent's failure to submit its 2002 annual report on or before said due date was unintentional and was an administrative oversight.

16. Respondent hereby requests that its 2002 annual report be accepted by the Commission out of time.

SPENCER, SCOTT & DWYER, P.C.


GINA D. ATTEBERRY, #46866

402 Main, Sixth Floor
P. O. Box 278
Joplin MO 64802-0278
Telephone (417) 623-6211
Telecopier (417) 624-6981

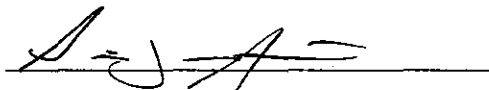
**ATTORNEYS FOR ST. JOHN'S
REGIONAL MEDICAL CENTER**

I hereby certify that a copy of the above
and foregoing was mailed this 16
day of March, 2004, to:

Bruce H. Bates
Associate General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

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



ST JOHN'S/LITIGATION/MISSOURI PUBLIC SERVICE COMMISSION/ANSWER TO COMPLAINT