

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 15th day  
of April, 2009.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Airnex Communications, Inc.,	)	
	)	
Respondent.	)	

**File No. TC-2009-0305**

**ORDER GRANTING DEFAULT**

Issue Date April 15, 2009

Effective Date: April 22, 2009

**Syllabus:** This order finds Airnex Communications, Inc., (hereafter "Airnex") in default, finds all of the allegations in Staff's complaint deemed admitted by Airnex, and authorizes the Commission's General Counsel to pursue a penalty action against Airnex in circuit court.

On February 25, 2009<sup>1</sup>, the Staff of the Commission filed a complaint against Airnex. Staff alleges that Airnex did not file its 2007 annual report. Staff's complaint requests authority, as provided in Section 386.600, RSMo 2000, to bring a penalty action in circuit court against Airnex for its failure to file its annual report.

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<sup>1</sup> All calendar references are to 2009 unless otherwise noted.

On March 2, the Commission issued a Notice of Complaint that informed Airnex of Staff's Complaint and directed it to file an answer within 30 days of the date of the notice. The Notice of Complaint was delivered to Airnex by certified mail, return receipt requested, on March 9, and also on March 11. Airnex's answer was due no later than April 1. Airnex did not file an answer.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.<sup>2</sup> Airnex has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that Airnex is in default and that Staff's allegations are admitted.

**THE COMMISSION ORDERS THAT:**

1. Default is hereby entered against Airnex Communications, Inc., and the allegations of Staff's complaint are deemed admitted.
2. The General Counsel of the Commission is directed to bring a penalty action against Airnex Communications, Inc., in circuit court.

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<sup>2</sup> That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

3. This order shall become effective on April 22, 2009.
4. This case shall be closed on April 23, 2009.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Clayton, Chm., Murray, Davis,  
Jarrett, and Gunn, CC., concur.

Pridgin, Senior Regulatory Law Judge