

Telecommunications  
E Commerce  
Technology  
Corporate & Finance  
Trademarks  
Proprietary Rights  
Complex Litigation  
General Business Law

# The Helein Law Group, LLC

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**FILED<sup>4</sup>**  
**MAR 12 2004**

Writer's Direct Dial Number

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Service Commission**

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March 11, 2004

***Via Federal Express***

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

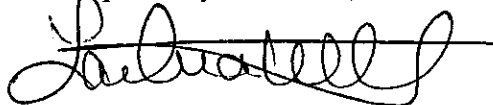
***Re: Staff of the Missouri Public Service Commission v. New Century  
Telecom, Inc. – Case No. TC-2004-0325***

Dear Sir or Madam:

On behalf of New Century Telecom, Inc. ("NCT"), enclosed please find NCT's Response to Order Setting Prehearing Conference and Requiring Filing of Proposed Procedural Schedule in the above-referenced proceeding.

An extra copy of this filing is also enclosed. Please date stamp this copy and return to the undersigned in the provided postage-prepaid envelope.

Respectfully submitted,



Loubna W. Haddad

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>4</sup>

MAR 12 2004

Missouri Public  
Service Commission

The Staff of the Missouri Public Service )  
Commission, )  
 )  
Complainant, )  
 )  
v. )  
 )  
New Century Telecom, Inc. )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. TC-2004-0325

**NEW CENTURY TELECOM, INC. RESPONSE TO ORDER SETTING  
PREHEARING CONFERENCE AND REQUIRING FILING OF PROPOSED  
PROCEDURAL SCHEDULE**

COMES NOW New Century Telecom, Inc. ("NCT"), by and through undersigned counsel, and files this Response to the Regulatory Law Judge's ("RLJ") March 9, 2004 Order Setting Prehearing Conference and Requiring Filing of Proposed Procedural Schedule ("Order"). In support of this filing, NCT states as follows:

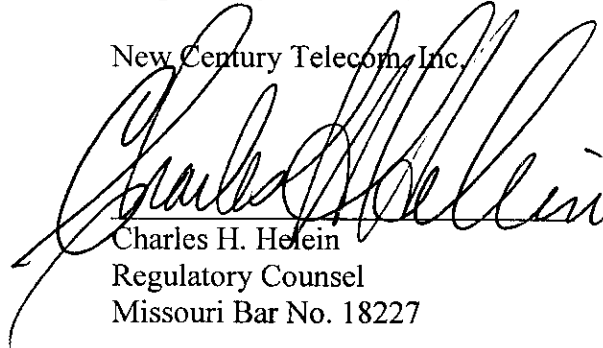
1. In the Order, the RLJ scheduled a prehearing conference to be held on March 19, 2004 at the Commission's offices in Jefferson City, Missouri.
2. Undersigned counsel, although an active member of the Missouri Bar, is based in Virginia.
3. The costs for NCT associated with undersigned counsel traveling to Missouri for the prehearing conference or alternatively engaging separate local counsel are prohibitive.
4. NCT takes Staff's Complaint in this proceeding very seriously and its decision not to appear at the prehearing conference is based solely on avoiding unnecessary expense and the more judicious use of the Commission's resources. NCT

has timely responded to the Complaint filed by Staff in this proceeding and has had several telephone conversations with Staff counsel on the best way to resolve this matter expeditiously.

5. NCT and Staff counsel have discussed settlement and NCT is prepared to pursue such discussions at the appropriate time.

Respectfully submitted,

New Century Telecom, Inc.

A large, stylized handwritten signature in black ink, which appears to read "Charles H. Helein". The signature is written over the printed name and title of the signatory.

Charles H. Helein  
Regulatory Counsel  
Missouri Bar No. 18227

The Helein Law Group LLP  
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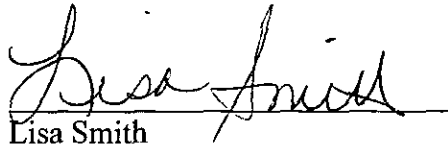
**Certificate of Service**

This is to certify that I have on this 14 day of March, 2004, served upon those persons listed below a true and correct copy of the foregoing **Response to Order Setting Prehearing Conference and Requiring Filing of Proposed Procedural Schedule** by sending a copy of the send via Overnight Mail delivery to:

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

Robert S. Berlin  
Assistant General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

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

  
Lisa Smith