

**NEWMAN, COMLEY & RUTH**

PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
MONROE BLUFF EXECUTIVE CENTER  
601 MONROE STREET, SUITE 301  
P.O. BOX 537  
JEFFERSON CITY, MISSOURI 65102-0537  
www.ncrpc.com

TELEPHONE: (573) 634-2266  
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD  
ROBERT J. BRUNDAGE  
MARK W. COMLEY  
CATHLEEN A. MARTIN  
STEPHEN G. NEWMAN  
JOHN A. RUTH

May 5, 2004

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**

MAY 05 2004

Missouri Public  
Service Commission

Re: Secured Technologies, L.C.  
Case No. TC-2004-0310

Dear Judge Roberts:

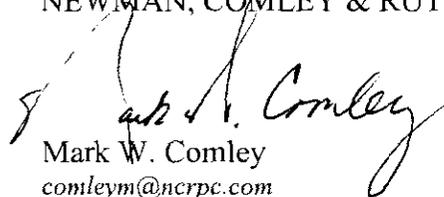
Please find enclosed for filing in the referenced matter the original and five copies of an Application for Rehearing of Order Setting procedural Schedule or Alternatively, Motion for Continuance; and Motion for Leave to Amend Answer. The Application for Rehearing of Order is being filed with a facsimile affidavit attachment. The original affidavit will be provided to the Commission as soon as it is received.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
Bob Berlin  
Mark S. Michael

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

MAY 05 2004

The Staff of the Missouri Public Service  
Commission, )  
)  
)  
Complainant, )  
)  
v. )  
)  
Secured Technologies, L.C. )  
)  
Respondent. )

Missouri Public  
Service Commission

Case No. TC-2004-0310

**MOTION FOR LEAVE TO AMEND ANSWER**

Comes now Respondent Secured Technologies, L.C., and pursuant to 4 CSR 240-2.080(20) moves the Commission for leave to amend its answer to the complaint, filed on March 1, 2004, by adding two paragraphs, paragraph numbers 12 and 13, as follows:

12. By way of further answer and defense, Respondent states that for calendar year 2002 it received no revenue from its Missouri operations and therefore should be exempt, retroactively, from the requirement to file an annual report for that reporting year in accordance with Section 392.245.1, RSMo. 2000.

13. By way of further answer and defense, Respondent states that for calendar year 2002 it received no revenue from its Missouri operations. For Respondent to be subjected to statutory fines of \$100 per day in connection with the allegations in the complaint would violate its rights that are protected under the 8<sup>th</sup> Amendment to the U.S. Constitution and Art. I, Section 21, Mo. Constitution (as amended, 1945) against the imposition of excessive fines and infliction of cruel or unusual punishments.

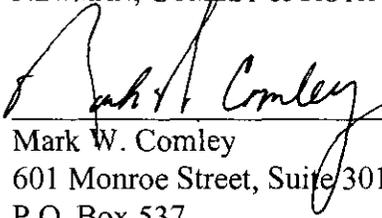
Neither party has commenced discovery in this matter and the addition of these paragraphs would work no prejudice or hardship on Complainant. Justice and fairness would be served by leave to amend.

WHEREFORE, Respondent respectfully requests that the Missouri Public Service Commission grant its motion for leave to amend its answer by addition of the two numbered paragraphs above.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C.

By:



Mark W. Comley #28847  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX

Attorneys for Respondent

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, to bob.berlin@psc.mo.gov, and Office of Public Counsel at opcservice@ded.state.mo.us, on this 5th day of May, 2004.

