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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:

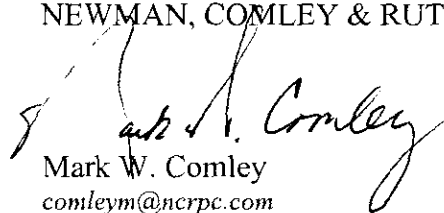
Please find enclosed for filing in the referenced matter the original and five copies of an Application for Rehearing of Order Setting procedural Schedule or Alternatively, Motion for Continuance; and Motion for Leave to Amend Answer. The Application for Rehearing of Order is being filed with a facsimile 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
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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

**Missouri Public
Service Commission**

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Secured Technologies, L.C.

Respondent.

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 8th 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.

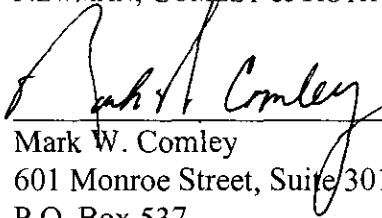
Neither party has commenced discovery in this matter and the addition of these paragraphs would work no prejudice or hardship on Complainant. Justice and fairness would be served by leave to amend.

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:



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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.

