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June 22, 2004

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

FILED

JUN 22 2004

Re: In the Matter of Cable One, Inc.
2002 Annual Report Filing

**Missouri Public
Service Commission**

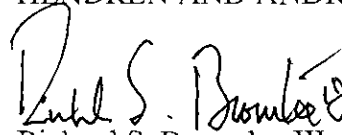
Dear Mr. Roberts:

Enclosed please find for filing on behalf of Cable One, Inc. the original plus eight (8) copies of a Motion to Set Aside Order Granting Default and Denying Motion to Dismiss in the above-captioned matter.

If you should have any questions concerning the enclosed filing, please do not hesitate to contact me. Thank you.

Very truly yours,

HENDREN AND ANDRAE, L.L.C.


Richard S. Brownlee III

RSB/sa

Enclosures

cc: Emerson Yearwood
Office of Public Counsel
General Counsel

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

The Staff of Missouri Public)
Service Commission)
)
Complainant,)
)
v.)
)
CABLE ONE, INC.)
)
Respondent.)

Case No. TC-2004-0311

FILED

JUN 22 2004

Missouri Public
Service Commission

MOTION TO SET ASIDE ORDER GRANTING
DEFAULT AND DENYING MOTION TO DISMISS

COMES NOW Cable One, Inc., by and through counsel, Hendren and Andrae, L.L.C., Richard S. Brownlee, III and for its Motion under Rule 4CSR 240-2.070(9) states:

1. On January 29, 2004, the Staff of the Commission filed a Complaint against Cable One, Inc., regarding its failure to file its annual report for 2002.
2. On February 4, 2004, the Commission issued a Notice of Complaint.
3. On February 11, 2004, Respondent filed its Motion to Dismiss stating two (2) grounds:
 - a. Complaint filed to state a claim upon which relief may be granted or a judgment sustained pursuant to the provision of Civil Rule 55.27(6).
 - b. That it was in the process of filing the 2002 Annual

Report.

4. On June 17, 2004, the Commission entered an Order Denying the Motion to Dismiss and further declaring Respondent to be in default as no timely Answer had been filed.

5. By said simultaneous ruling by the Commission, Respondent is deprived of its ability to file a timely Answer once the Motion to Dismiss had been overruled.

6. Pursuant to Civil Rule 55.25(c), the filing of any motion provide for in Rule 55.27 alters the time fixed for filing any required responsive pleading such as an Answer. When the Commission denied Respondent's Motion to Dismiss, Rule 55.25(c) requires the Commission to allow the responsive pleading to be filed within 10 days after notice of the Commission's action. See also Wilson vs. Wilson, 925 SW2nd 218 (Mo.App. E.D. 1996)

7. By the Commission's ruling pursuant to paragraphs 4 and 5, Respondent is denied due process in terms of presenting its Answer and Defenses to the Complaint. Futher, pursuant to Rule 55.27(11) (B), a party shall be given reasonable opportunity to present all material it chooses to raise under defense of a failure to state a claim upon which relief can be granted.

8. Good cause is demonstrated by both the equitable and

legal position taken by Respondent in this Motion.

WHEREFORE, Respondent prays an Order allowing ten (10) days to file a responsive pleading following the Commission's action entering its Order for Default.

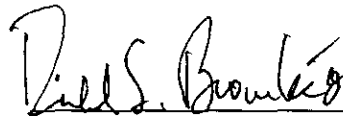
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed, via first-class, U.S. mail, postage prepaid, to all parties of record on this 22nd day of June, 2004.



Richard S. Brownlee III

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General Counsel
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