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St. Louis Office

April 14, 2004

**FILED<sup>3</sup>**

APR 19 2004

**Missouri Public  
Service Commission**

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

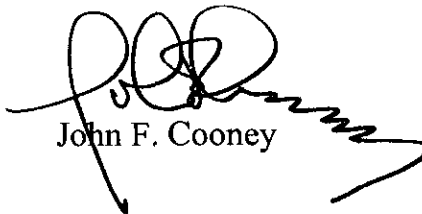
Re: *Missouri Public Service Commission v. Ton Services, Inc.*  
*Claim No.: TC-2004-0383*

Dear Mr. Roberts:

I have enclosed a copy of Motion to Set Aside Default Order and Request for Hearing, or in the Alternative, Application for Rehearing and reconsideration. I have also enclosed a copy of the formal Answer to the Complaint.

If you have any questions regarding these filings, please feel free to call.

Sincerely,



John F. Cooney

JFC:jfc

Enclosures

W:\TON SERVICES\Roberts 04-14-04.wpd

cc: Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102

Mr. Bruce H. Bates  
Associate General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

APR 19 2004

THE STAFF OF THE MISSOURI PUBLIC  
SERVICE COMMISSION,

Complainant,

vs.

TON SERVICES INC.,

Respondent.

Case No. TC-2004-0383

Missouri Public  
Service Commission

**ANSWER**

COMES NOW Respondent **TON Services Inc.**, pursuant to 4 CSR 240-2.070(8) and for its Answer to the Staff of the Missouri Public Service Commission's Complaint states:

1. Respondent admits the allegations of Paragraph 1 of the Complaint.
2. Respondent admits the allegations of Paragraph 2 of the Complaint.
3. Respondent is without information or belief to admit or deny the allegations of Paragraph 3 of the Complaint and therefore must deny same.
4. Respondent is without information or belief to admit or deny the allegations of Paragraph 4 of the Complaint and therefore must deny same.

**COUNT I**

5. Respondent admits the allegations of Paragraph 5 of the Complaint.
6. Respondent is without information or belief to admit or deny the allegations of Paragraph 6 of the Complaint and therefore must deny same.
7. Respondent is without information or belief to admit or deny the allegations of Paragraph 7 of the Complaint and therefore must deny same.
8. Respondent is without information or belief to admit or deny the allegations of Paragraph 8 of the Complaint and therefore must deny same.

9. Respondent is without information or belief to admit or deny the allegations of Paragraph 9 of the Complaint and therefore must deny same.

10. Further answering and by way of affirmative defense, Respondent states that as of March 11, 2004, its 2002 Annual Report was on file with the Missouri Public Service Commission.

WHEREFORE, Respondent requests that the Commission dismiss Count I of the Complaint or, in the alternative, conduct a full hearing into the issues set forth in Count I of the Complaint, and for such other relief as the Commission deems just and proper.

## **COUNT II**

11. Respondent is without information or belief to admit or deny the allegations of Paragraph 10 of the Complaint and therefore must deny same.

12. Respondent is without information or belief to admit or deny the allegations of Paragraph 11 of the Complaint and therefore must deny same.

13. Respondent is without information or belief to admit or deny the allegations of Paragraph 12 of the Complaint and therefore must deny same.

14. Respondent is without information or belief to admit or deny the allegations of Paragraph 13 of the Complaint and therefore must deny same.

15. Respondent is without information or belief to admit or deny the allegations of Paragraph 14 of the Complaint and therefore must deny same.

16. Respondent is without information or belief to admit or deny the allegations of Paragraph 15 of the Complaint and therefore must deny same.

17. Respondent is without information or belief to admit or deny the allegations of Paragraph 16 of the Complaint and therefore must deny same.

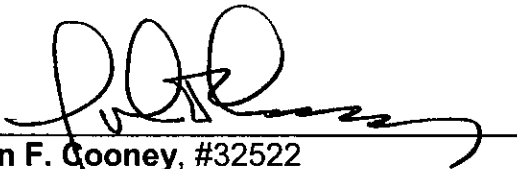
18. Respondent is without information or belief to admit or deny the allegations of Paragraph 17 of the Complaint and therefore must deny same.

19. Respondent is without information or belief to admit or deny the allegations of Paragraph 18 of the Complaint and therefore must deny same.

20. Further answering and by way of affirmative defense, Respondent states that as of March 11, 2004, it has paid its 2004 annual assessment in full to the Missouri Public Service Commission.

WHEREFORE, Respondent requests that the Commission dismiss Count II of the Complaint or, in the alternative, conduct a full hearing into the issues set forth in Count II of the Complaint, and for such other relief as the Commission deems just and proper.

**BAKER, STERCHI, COWDEN & RICE, L.L.C.**

By 

**John F. Cooney, #32522**  
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(314) 231-4857 (fax)  
email: [cooney@bscr-law.com](mailto:cooney@bscr-law.com)  
Attorney for TON Services Inc.

**CERTIFICATE OF SERVICE**

Copy of the foregoing mailed this 14<sup>th</sup> day of April, 2004, to **Bruce H. Bates**, attorney for the Staff of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, and the Office of the Public Counsel, P.O. Box 2230 Jefferson City, Missouri 65102.

