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File No. 3356500-14

June 24, 2004

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

**FILED<sup>2</sup>**  
JUN 29 2004  
Missouri Public  
Service Commission

**Re: Case No. TC-2004-0397**

Dear Mr. Roberts:

Enclosed please find an original and eight (8) copies of the Answer of News-Press & Gazette Company D/B/A St. Joseph Cablevision. Please file stamp the enclosed extra receipt copy and return to me in the enclosed envelope for my records.

If you have any questions concerning this matter, please do not hesitate to contact me. Thank you very much for your attention to this matter.

Very truly yours,

  
Michael L. McCann

MLM/drh  
Enclosures

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WA 764230.1

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED<sup>2</sup>**

JUN 29 2004

Missouri Public  
Service Commission

The Staff of the Missouri Public Service  
Commission, )

Complainant, )

v. )

Case No. TC-2004-0397

News-Press & Gazette Company d/b/a St.  
Joseph Cablevision, )

Respondent. )

**ANSWER OF NEWS-PRESS & GAZETTE COMPANY  
D/B/A ST. JOSEPH CABLEVISION ("NPG")**

COMES NOW Respondent News-Press & Gazette Company d/b/a St. Joseph Cablevision ("NPG") and, pursuant to 4 C.S.R. 240-2.070, respectfully provides the following answer to the Complaint of the Staff of the Missouri Public Service Commission ("Staff").

**General Allegations**

1. NPG admits that it did apply and procure a Certificate of Authority to provide competitive inter-exchange intrastate telecommunications services in 1995, but denies the remaining allegations contained in paragraph 1 of the complaint, including the legal conclusions of jurisdiction and the inaccurate statement regarding NPG's registered agent.

2. NPG admits quoted language is found in Section 386.390.1.

3. NPG admits that the Commission Staff is authorized to file a complaint in appropriate circumstances.

4. The allegations in paragraph 4 solely state legal conclusions to which no response is required. To the extent a response is deemed necessary, NPG admits that a contested hearing is required before a penalty action may proceed.

### **Count I**

5. NPG admits that Section 392.210.1 provides for the filing of annual reports by telecommunications companies.

6. Commission Rule 4 C.S.R. 240-3.540(1) speaks for itself and no response to the characterization of that rule is now necessary. To the extent a response is deemed required, NPG admits that telecommunications companies are required to file their annual reports on or before April 15th of each year barring other extenuating circumstances.

7. NPG is without sufficient information with which to admit or deny the allegations contained in paragraph 7 as to what the Executive Director of the Commission sent to third parties.

8. NPG admits that it did not file a 2002 annual report on or before April 15, 2003.

9. As the allegations in paragraph 9 solely attempt to recite the provision of a statute, no response thereto is deemed necessary. To the extent a response is deemed necessary, NPG admits that it is a partial quotation of the language in the cited statute.

### **Affirmative Defenses**

1. The Complaint fails to state a claim upon which relief can be granted.

2. The Missouri Public Service Commission lacks jurisdiction over NPG or the subject matter of this Complaint.

3. The governing statute of limitations has lapsed on the claims.

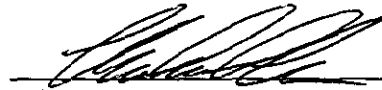
4. Service of process was defective in this matter.

5. The penalties sought in the Complaint are unconstitutional and prohibited by public policy.

6. The Complaint fails to seek the required and appropriate remedy.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP



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ATTORNEY FOR NEWS-PRESS &  
GAZETTE COMPANY

**Certificate of Service**

On this 24th day of June, 2004, a true and correct copy of the above document was served upon each of the parties set forth below via United States Mail, postage prepaid.

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Bruce H. Bates  
Office of the General Counsel  
Missouri Public Service Commission  
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Attorney for NPG