

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 18th day of
October, 2005.

Staff's Motion for Authority to File a Complaint)	<u>Case No. TO-2006-0143</u>
Against New Florence Telephone Company)	

ORDER REGARDING STAFF'S AUTHORITY TO FILE A COMPLAINT

Issue Date: October 18, 2005

Effective Date: October 18, 2005

On September 30, 2005, the Staff of the Commission filed a motion asking the Commission for authority to file a complaint against New Florence Telephone Company. Staff alleged that its investigation into the financial affairs of New Florence indicated wrong-doing by the former management of that company so as to justify the filing of a complaint.

Commission rule 4 CSR 240-2.070(1) authorizes "the commission staff, through the general counsel" to file a complaint before the Commission. Normally, Staff would not need prior approval from the Commission to file such a complaint. Staff takes the unusual step of requesting authority to file a complaint against New Florence because of a provision included in a previous Commission order dismissing a case that was created to investigate New Florence, as well as Cass County Telephone Company. That order provided that "[w]henever such an investigation produces information that would support a complaint, then the Commission's General Counsel may apply to the

Commission for authority to file that complaint.”¹ Staff believes that its investigation supports the filing of a complaint against New Florence and asks the Commission for authority to file such a complaint.

Understandably, New Florence takes a different view. On October 11, the company filed a response to Staff’s motion in which it argued that the information revealed by Staff’s investigation does not justify the filing of a complaint.

The Commission’s regulation clearly gives Staff the authority to file a complaint. No further authorization from the Commission is required. Furthermore, the Commission has no means of testing the weight or validity of any evidence Staff may have to support of its complaint, except through the complaint process. The only way to start that complaint process is for Staff to file its complaint.

IT IS THEREFORE ORDERED:

1. That the Commission’s Staff has all the authority it needs to file a complaint against New Florence Telephone Company and may proceed to do so at its own discretion.

2. That this order shall become effective on October 18, 2005.

BY THE COMMISSION

(S E A L)



Colleen M. Dale
Secretary

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Senior Regulatory Law Judge

¹ *An Investigation of the Fiscal and Operational Reliability of Cass County Telephone Company and New Florence Telephone Company and Related Matters of Illegal Activity*, Case No. TO-2005-0237, Order Dismissing Case, July 15, 2005.