

**GREGORY D. WILLIAMS**  
**LAW FIRM**

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Gregory D. Williams  
Andrew W. Renken  
Dana L. Martin

August 22, 2006

Colleen M. Dale  
Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**

AUG 23 2006

Attn: Filing Desk

Re: Case No. WC-2006-0303

**MISSOURI PUBLIC  
Service Commission**

Dear Sirs:

Please find enclosed for filing in the above referenced matter the original and 8 copies of the following:

1. Respondents Explanation of Why the Commission Should Accept Respondent's Timely Filed Response to Staff's Motion For Summary Disposition as Directed By Order of Colleen Effective August 21, 2006.

An additional copy is enclosed to be stamped "filed" and returned to me in the enclosed envelop.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Sincerely Yours,

*Andrew W. Renken/jc*  
Andrew W. Renken

AWR/jc

enclosures

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED**

AUG 23 2006

**MISSOURI PUBLIC  
SERVICE COMMISSION**

The Staff of the Missouri Public Service  
Commission.

Complainant.

v.

Case No. WC-2006-0303

Hurricane Deck Holding Company, et al..

Respondents.

RESPONDENTS EXPLANATION OF WHY THE COMMISSION SHOULD  
ACCEPT RESPONDENT'S TIMELY FILED RESPONSE TO STAFF'S MOTION  
FOR SUMMARY DISPOSITION AS DIRECTED BY ORDER OF COLLEN  
EFFECTIVE AUGUST 21, 2006.

Come Now the Respondents in the above captioned matter and for their

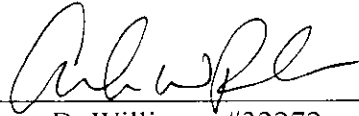
Explanation herein state:

1. Respondents affirmatively deny that they did not file a response within the time allowed by the regulation or the Commission's order.
2. That Counsel for Respondent attempted to access the Commission's EFIS filing system and was denied access because of a message "Already registered for selected client." Respondent's counsel has made repeated attempts to obtain a login username and password for access to the EFIS system, but has never been issued access to the Commission's electronic filing system.
3. Respondents overnight shipped via UPS on August 8, 2006 to the General Counsel's Office their Response to Staff's Motion for Summary Disposition.
4. That the General Counsel's office received said Response at 9:37 AM on August 9, 2006, signed for by an individual with the last name of Doerhoff. That said Response was timely served upon opposing counsel within the 30

days specifically described in the Commission order on July 12, 2006. See attached Exhibit A (UPS tracking for Respondent's Response).

5. That on August 11, 2006, Jennifer Heintz of the General Counsel's Office notified the Respondents that 8 copies were not submitted with the original signed Response. Respondent immediately mailed eight copies to the Commission, specifically addressed to the attention of the "filing office". That Respondent's failure to include eight copies was not intentional and was the result of a clerical error.
6. That on August 15, 2006, Jennifer Heintz of the General Counsel's Office called Respondents counsel to inform them that the August 11, 2006 mailing was sent to the correct address but improperly addressed and would have to be re-mailed. Respondents were directed to mail the eight copies to the "Filing Desk" at the exact same address where the two prior mailings were delivered. Respondents immediately mailed eight copies to the Commission, attention "Filing Desk."
7. That Respondents would be unfairly prejudiced by the PSC's acknowledgment that it timely received the documents and then simply refused to file them because it was addressed to the Filing Office and not the Filing Desk.
8. That Respondent timely served on all parties of record the Response to Staff's Motion for Summary Disposition. That any delay in filing is the result of a clerical error and does not prejudice or create an undue hardship on the Petitioner.

WHEREFORE, having fully explained, Respondents pray that its Response be filed in this case; and that the Commission be ordered to identify or create internal filing procedures in which mail sent to the "Filing Office" would be forwarded to the "Filing Desk," and for their costs herein incurred.

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22 day of ~~February~~ <sup>August</sup>, 2006 a true copy of the foregoing was served on all parties of record by depositing the same in first class mail, postage prepaid, and addressed as follows:

General Counsel's Office  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson city, MO 65102;

Lewis R. Mills, Jr.,  
P.O. Box 2230  
200 Madison Street, Suite 650  
Jefferson City, MO 65102.

Colleen M. Dale  
Secretary  
Attn: Filing Desk  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102-0360

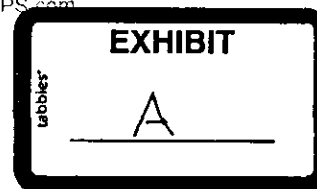
Missouri Public Service Commission  
Attn: Filing Office

Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102-0360



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Andrew W. Renken


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## Tracking

Log-In User ID:

Password:

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## → Track by Tracking Number

→ Track by E-mail

→ Import Tracking

Numbers

## → Track by Reference Number

→ Track by Freight Tracking

Number

→ Track by Freight Shipment

Reference

→ Track with Quantum View

→ Sign Up for Signature

Tracking

→ Void a Shipment

→ Help

## Track by Tracking Number

## View Details

**Status:** Delivered  
**Delivered on:** 08/09/2006 9:37 A.M.  
**Signed by:** DOERHOFF  
**Location:** DOCK  
**Delivered to:** JEFFERSON CITY, MO, US  
**Shipped or Billed on:** 08/08/2006

**Tracking Number:** 1Z F43 3A6 22 1000 044 3  
**Service Type:** NEXT DAY AIR

## Package Progress:

Location	Date	Local Time	Activity
JEFFERSON CITY, MO, US	08/09/2006	9:37 A.M.	DELIVERY
	08/09/2006	7:47 A.M.	OUT FOR DELIVERY
	08/09/2006	7:47 A.M.	ARRIVAL SCAN
ST. LOUIS, MO, US	08/09/2006	6:01 A.M.	DEPARTURE SCAN
	08/09/2006	5:14 A.M.	ARRIVAL SCAN
LOUISVILLE, KY, US	08/09/2006	4:57 A.M.	DEPARTURE SCAN
	08/09/2006	12:57 A.M.	ARRIVAL SCAN
SPRINGFIELD, MO, US	08/08/2006	10:43 P.M.	DEPARTURE SCAN
	08/08/2006	9:25 P.M.	ARRIVAL SCAN
CAMDENTON, MO, US	08/08/2006	7:52 P.M.	DEPARTURE SCAN
	08/08/2006	7:23 P.M.	ORIGIN SCAN
	08/08/2006	5:14 P.M.	PICKUP SCAN
US	08/08/2006	8:00 P.M.	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: 08/21/2006 12:15 P.M. Eastern Time (USA)

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered for you to UPS for delivery and for no other purpose. Any other use of UPS tracking system information is strictly prohibited.

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