

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

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Netwolves Network Services, LLC,

Respondent.

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Case No. TC-2019-0278

**MOTION FOR DEFAULT JUDGMENT
AND FOR AUTHORITY TO SEEK PENALTIES**

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to 4 CSR 240-2.070(10) moves for a default judgment in the above-referenced case and for authorization of the Commission's General Counsel to seek penalties in circuit court hereafter, and in support of this *Motion for Default Judgment and for Authority to Seek Penalties* hereby states:

1. On March 21, 2019, Staff filed a *Complaint* against Respondent Company for failing to timely file an Annual Report as required by § 392.210(1), RSMo., and Commission Rule 4 CSR 240-28.012(1)(A) and (C).

2. On March 25, 2019, the Commission issued its *Notice of Contested Case and Order Directing Filing*, ordering Respondent Company to file an answer to the *Complaint* no later than April 24, 2019.

3. Commission Rule 4 CSR 240-2.070(9) provides that "[t]he respondent shall file an answer to the complaint within the time provided. All grounds of defense, both of law and of fact, shall be raised in the answer. If the respondent has no information or

belief upon the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and assert a denial upon that ground.”

4. Commission Rule 4 CSR 240-2.070(10) states that “[i]f the respondent in a complaint case fails to file a timely answer, the complainant’s averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.”

5. As of the date of the filing of this motion, Respondent Company has failed to file an answer in this matter.

WHEREFORE, Staff moves that pursuant to 4 CSR 240-2.070(9) and (10) the Commission specifically find:

1. That the averments originally raised in Staff’s *Complaint* be deemed admitted.

2. That Respondent Company violated § 392.210(1), RSMo., by failing to file the 2017 Annual Report

3. That, by violating § 392.210(1), RSMo., Respondent Company “shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer.”

4. That, per § 392.210(1), RSMo, “[t]he amount recovered in any such action shall be paid to the public school fund of the state.”

Staff further prays that the Commission authorize the General Counsel to proceed to Circuit Court to seek penalties against Respondent Company for these violations of § 392.210(1) and the Commission's rules, and for such other relief as the Commission deems just and proper.

Respectfully submitted,

/s/ Travis J. Pringle

Missouri Bar No. 71128

Legal Counsel

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 28th day of May, 2019.

/s/ Travis J. Pringle