

Telecommunications
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General Business Law

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March 30, 2004

Via Federal Express

Secretary of the Public Service Commission
Missouri Public Service Commission
200 Madison Street
Jefferson City, Missouri 65101

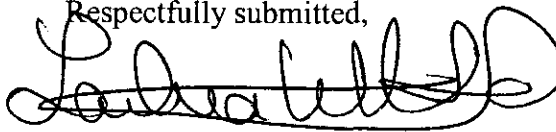
**Re: *Staff of the Missouri Public Service Commission v. New Century
Telecom, Inc. – Case No. TC-2004-0325***

Dear Sir or Madam:

On behalf of New Century Telecom, Inc. ("NCT"), enclosed please find NCT's Response to Staff's Motion for Summary Determination in the above-referenced proceeding.

An extra copy of this filing is also enclosed. Please date stamp this copy and return to the undersigned in the provided postage-prepaid envelope.

Respectfully submitted,



Loubna W. Haddad

Enclosure

FILED⁴

MAR 31 2004

**Missouri Public
Service Commission**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

MAR 31 2004

The Staff of the Missouri Public Service Commission,
Complainant,
v.
New Century Telecom, Inc.
Respondent.

Missouri Public
Service Commission

Case No. TC-2004-0325

RESPONSE TO STAFF MOTION FOR SUMMARY DETERMINATION

COMES NOW New Century Telecom, Inc. ("NCT"), by and through undersigned counsel, and files this Response to the Staff of the Missouri Public Service Commission ("Staff") Motion for Summary Determination ("Motion").

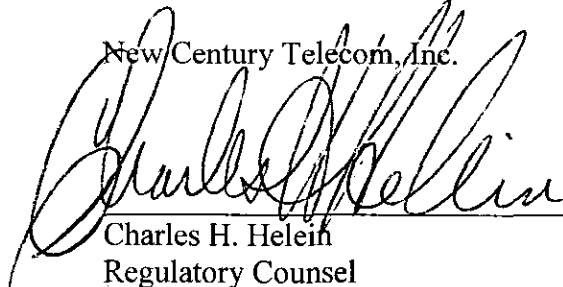
In its Motion, Staff asks that the Commission "(1) find that New Century Telecom, Inc. failed, omitted or neglected to timely file its 2002 Annual Report as required by Missouri statute, and (2) authorize its General Counsel to bring a penalty action against the Company in the circuit court as provided in Section 386.000" Staff Motion at 2. NCT cannot and does not deny that it unintentionally failed to timely file its 2002 Annual Report.

NCT does, however, object to the Commission's pursuit of statutory penalties against the company for this oversight. The circumstances surrounding NCT's failure to timely file its 2002 Annual Report and NCT's diligence and cooperation with Staff obviate the justification for anything beyond nominal penalties. Moreover, as NCT has previously represented, it is prepared to pursue settlement discussions to resolve this matter amicably and at the least minimal cost to all involved, such that a formal

proceeding is unnecessary. Notwithstanding, in the event the Commission grants its General Counsel authority to pursue penalties against NCT, NCT reserves the right to raise any and all defenses in circuit court in opposition to such action.

Respectfully submitted,

New Century Telecom, Inc.

A handwritten signature in cursive script, appearing to read "Charles H. Helein", written over a horizontal line.

Charles H. Helein
Regulatory Counsel
Missouri Bar No. 18227

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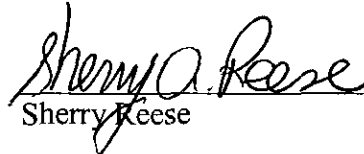
Certificate of Service

This is to certify that I have on this 30th day of March, 2004, served upon those persons listed below a true and correct copy of the foregoing **Response to Staff's Motion for Summary Determination** by sending a copy of the send via Overnight Mail delivery to:

Secretary of the Public Service Commission
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Sherry Reese