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March 11, 2004

VIA FEDERAL EXPRESS

Public Service Commission of the
State of Missouri
200 Madison
Jefferson City, MO 65101

FILED⁴

MAR 12 2004

**Re: The Staff of the Missouri Public Service Commission
v. Heartland Health System, Inc.
Case No. TC-2004-0390**

**Missouri Public
Service Commission**

Dear Sir or Madam:

Enclosed for filing are an original and 8 copies of Heartland Health System, Inc.'s Answer to the Complaint.

If you have any problems or questions, please do not hesitate to contact me.

Very truly yours,

SETH C. WRIGHT

SCW/ssh
enclosures
cc: Bruce H. Bates (w/enc)

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

The Staff of the Missouri Public Service Commission,

Complainant,

v.

Heartland Health System, Inc.

Respondent.

Case No. TC-2004-0390

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**Missouri Public
Service Commission**

ANSWER

COMES NOW the Respondent, Heartland Health System, Inc., by and through its attorneys, Shughart Thomson & Kilroy Watkins Boulware, P.C., and for its Answer to Complainant's Complaint, hereby expressly denies each and every allegation set forth in the Complaint which is not specifically admitted hereinbelow, and for further answer states as follows:

1. Admit.
2. Respondent admits that RSMo § 386.390.1 states and authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by a public utility in violation of any law, or of any rule, order or decision" of the Commission.
3. Respondent admits that Commission practice rule 4 CSR 240-2.070(1) states that the Commission's Staff, through the General Counsel, may file a complaint.
4. Respondent is without sufficient knowledge to admit or deny the allegations contained within paragraph 4 of the Complaint and therefore denies same.

5. Respondent admits that Section 392.210.1 states that telecommunications companies must "file an annual report with the Commission at a time and covering the yearly period fixed by the commission."

6. Respondent admits that Commission Rule 4 CSR 240-3.540(1) states that all telecommunications companies are required to file their annual report on or before April 15 of each year.

7. Respondent is without sufficient knowledge to admit or deny the allegations contained within paragraph 7 of the Complaint and therefore denies same.

8. Respondent is without sufficient knowledge to admit or deny the allegations contained within paragraph 8 of the Complaint and therefore denies same.

9. Respondent admits Section 392.210.1 states that "[i]f any telecommunications company shall fail to make and file its annual report as and when required or within such extended time as the commission may allow, such 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. . ."

10. Respondent denies each and every allegation of the Complaint excepting only those allegations specifically admitted above.

AFFIRMATIVE DEFENSES

Further answering each and every count asserted against it in the Complaint, Respondent asserts the following affirmative defenses:

11. **First Affirmative Defense:** Respondent has timely filed its 2002 Annual Report electronically or by mail.

12. **Second Affirmative Defense:** The Complaint fails to state a claim against Respondent upon which relief can be granted.

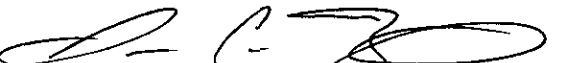
13. **Third Affirmative Defense:** Complainant's claims against Respondent are barred by the doctrines of estoppel and laches.

14. **Fourth Affirmative Defense:** Complainant's claims against Respondent are barred by the applicable statute of limitations.

15. **Fifth Affirmative Defense:** Respondent reserves the right to assert any and all other affirmative defenses identified in further discovery.

WHEREFORE, having fully answered the Complaint, Respondent requests that the Complaint be dismissed, that Complainant take nothing thereby, and that Respondent be awarded the costs and expenses incurred herein, and for such other and further relief as the Missouri Public Service Commission may deem just in the premises.

SHUGHART THOMSON & KILROY
WATKINS BOULWARE, P.C.

By 

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ATTORNEYS FOR RESPONDENT
HEARTLAND HEALTH SYSTEM, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the above and foregoing **Answer of Respondent Heartland Health System, Inc.**, to be served by first-class mail, postage prepaid this 11th day of March, 2004, to:

Bruce H. Bates
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

ATTORNEY FOR COMPLAINANT



SETH C. WRIGHT