

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 5th day of  
September, 2006.

The Staff of the Missouri  
Public Service Commission

Complainant,

v.

Gates Communications, Inc.

Respondent.

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**Case No. XC-2007-0035**

**ORDER GRANTING DEFAULT**

Issue Date: September 5, 2006

Effective Date: September 5, 2006

On July 28, 2006, the Staff of the Commission filed a complaint against Gates Communications, Inc., that alleges that Gates Communications failed to timely submit its 2005 annual report. Staff asks the Commission to find that Gates Communications failed to timely submit its 2005 annual report, and to authorize its General Counsel to bring a penalty action against Gates Communications in circuit court.

The Commission sent notice of the complaint to Gates Communications on July 28, which allowed until August 28 for Gates Communications to respond. According to the Commission's electronic filing information system (EFIS), Gates Communications and its registered agent received notice of the complaint in early August. Gates Communications failed to respond.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.<sup>1</sup> Because Gates Communications failed to timely respond, the Commission finds it in default and finds that Staff's allegations are deemed admitted.

The Commission finds that Gates Communications is a telecommunications company under Section 386.020(51), and a public utility under Section 386.020(42), providing interexchange telecommunications service as permitted by its certificate of service authority granted on March 21, 2001 in Commission Case No. TA-2001-456.<sup>2</sup> The Commission further finds that Section 392.210.1 and Commission Rule 4 CSR 240-3.540(1) mandate telecommunications companies to submit an annual report to the Commission no later than April 15, and that Gates Commission failed to timely file its 2005 annual report. The Commission orders its General Counsel to recover the penalties allowed by Section 393.140(6) in circuit court.

**IT IS ORDERED THAT:**

1. Default is hereby entered against Respondent Gates Communications, Inc., and the averments of the complaint are deemed admitted.
2. The General Counsel of the Commission is authorized to bring a penalty action against Gates Communications, Inc., in circuit court.

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<sup>1</sup> The rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of the order's issue date if the Commission finds good cause for the respondent's failure to timely respond.

<sup>2</sup> Unless otherwise stated, all statutory references are to Revised Statutes of Missouri 2000.

3. This order shall become effective on September 5, 2006.
4. This case shall close on September 12, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

(S E A L)

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

Pridgin, Senior Regulatory Law Judge