

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

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Camarato Distributing, Inc.

Respondent.

Case No. TC-2009-_____

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the General Counsel of the Commission, pursuant to Section 386.390 RSMo 2000¹ and 4 CSR 240.2.070, to request the Missouri Public Service Commission ("Commission") open a complaint case. In support of this request, Staff states as follows:

1. Camarato Distributing, Inc. ("Camarato") is a "telecommunications company" and "public utility" as defined in Section 386.020 and is subject to the jurisdiction of the Commission pursuant to Section 386.250.
2. The Commission issued an order granting Camarato a certificate to provide basic local and interexchange telecommunications services on May 20, 1999, with an effective date of June 1, 1999.²
3. Camarato is a registered Illinois corporation located at 2400 McGinnis, Herrin, Illinois, Williamson County, and according to the Illinois Secretary of State is currently "active." Camarato was registered with the Missouri Secretary of State, however, was

¹ All references are to RSMo 2000 and Supp. 2008 unless otherwise noted.

² See *Order Granting Certificate To Provide Basic Local and Interexchange Telecommunications Services*, Issued May 20, 1999, Commission Case TA-99-152.

administratively dissolved for failing to file an annual report. The last annual report filed with the Missouri Secretary of State was in April 2003.

4. The Commission last received an annual report from Camarato Distributing, Inc on June 15, 2007 for the year of 2006 pursuant to Section 392.210.1 and 4 CSR 240-3.540.9.

5. On January 15, 2008 the Executive Director of the Commission sent a notice to Camarato informing it of the requirement to file an annual report by April 15, 2008 for the 2007 year. *See Exhibit 1.*

6. On May 27, 2008 the Office of the General Counsel sent notice to Camarato informing it that the Commission had not received its 2007 annual report and it would be subject to legal action if the Commission did not receive the annual report by June 13, 2008. *See Exhibit 2.*

7. On October 14, 2008 the Office of General Counsel sent another notice informing Camarato that the Commission still had not received its 2007 annual report and that it would be seeking penalties for failure to comply with Section 392.210.1 RSMo and 4 CSR 240-3.540.9. *See Exhibit 3.*

COUNT I

8. Camarato Distributing, Inc. did not file an annual report with the Commission by April 15, 2008, and to this date still has not filed an annual report for the year of 2007.

9. Section 386.390(1) establishes that parties may present a Complaint before the Commission regarding any act or omission committed by any person, corporation, or public utility in violation of any rule or order of the Commission.

10. Commission Rule 4 CSR 240-2.070(1) provides, in part, that the Staff has authority to file a Complaint through the General Counsel in connection with any violation of statute, rule, order or decision within the jurisdiction of the Commission.

11. Section 392.210.1 and 4 CSR 240-3.540(1) require all telecommunication companies to file an annual report with the Commission by April 15 covering a yearly period fixed by the Commission. Camarato Distributing, Inc. was required to file an annual report for the year of 2007 by April 15, 2008.

12. Failure to file an annual report by the deadline of April 15 of the specified year subjects the telecommunication company to a \$100 penalty per day that it has not been filed. Section 392.210.1 RSMo; 4 CSR 240-3.540.9.

13. As of March 19, 2009, Camarato Distributing, Inc. has not filed its 2007 annual report with the Missouri Public Service Commission. Camarato Distributing, Inc. is now in default for a total of 340 days.

WHEREFORE, the Staff respectfully requests the Commission:

1. Open a complaint case pursuant to Section 386.390;
2. Find that Camarato Distributing, Inc. violated Section 392.210.1 and 4 CSR 240-3.540.9;
3. Authorize the Office of General Counsel to seek civil penalties in Circuit Court in the amount of \$100 per day in which the annual report is outstanding; and
4. Grant any other and further relief as the Commission may find appropriate.

Respectfully submitted,

/s/ Jaime N. Ott

Jaime N. Ott
Assistant General Counsel
Missouri Bar No. 60949

Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8700 (telephone)
(573) 751-9285 (fax)
jaime.ott@psc.mo.gov

2007 Annual Report Form(s) from the Missouri Public Service Commission - CLEC-IXC

annualreports

Sent: Tuesday, January 15, 2008 4:07 PM**Importance:** High**Attachments:** 2007 AR cover letter Telco~1.pdf (39 KB) ; CLEC-IXC Annual Report 200~1.pdf (447 KB) ; CLEC-IXC Annual Report 2007.pdf (52 KB) ; CLEC_IXC_Annual_Report_2007.xls (99 KB)

This correspondence serves as electronic distribution of the 2007 Annual Report form for companies with the registered utility type of Telephone (and a subtype of CLEC, CLEC/IXC, or IXC) at the Missouri Public Service Commission. A paper copy of the document will not be forwarded.

Review the cover letter attached for more details about the annual report form requirements. The forms are also available on the Missouri Public Service Commission website (<http://www.psc.mo.gov/forms>). The 2007 Annual Report form is due to the Missouri Public Service Commission on or before April 15, 2008. The attached electronic documents must be completed and returned using one of the acceptable methods.

Different formats of the form have been provided for your convenience. Updating Adobe Acrobat Reader to the newest version is recommended for the fillable form.

- The attached form (CLEC-IXC Annual Report 2007 Fillable Form.pdf) is designed to be filled out online in PDF format using Adobe Acrobat. After completing, save the file to your computer before submission in EFIS. For submission by mail, remember to sign the affidavit before sending. Please answer all questions carefully and completely, and send the completed form as instructed in the cover letter.
- Another version of the form (CLEC-IXC Annual Report 2007.pdf) is designed to be printed and filled out by hand. Please answer all questions carefully and completely, and send the completed form as instructed in the cover letter.
- An Excel document (CLEC-IXC Annual Report 2007.xls) is also attached for on-screen input of information. After completing, save the file to your computer before submission in EFIS.

If you have any questions regarding the form(s), please contact Joan Wandel by phone (573-751-4785) or by e-mail (Joan.Wandel@psc.mo.gov).

Thank you.

Missouri Public Service Commission

PO Box 360

Jefferson City, MO

Exhibit 1



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

TERRY JARRETT

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

January 15, 2008

RE: Calendar Year 2007 Annual Report

**IMPORTANT NOTICE TO
ALL MISSOURI PUBLIC UTILITIES**

Pursuant to Section 392.210, RSMo., Section 393.140, RSMo., and the rules at 4 CSR 240-3.540 (Telecommunications Companies), public utilities are required to submit an annual report to the Missouri Public Service Commission.

Please Note:

- ✓ Due on or before **April 15, 2008.**
- ✓ The form(s) submitted to the Commission must be originals in loose-leaf format (in lieu of a hard copy, an electronic version may be submitted in the Commission's Electronic Filing and Information System, EFIS).
- ✓ Attempts to substitute forms such as stockholder reports without concurrently filing official Commission forms with appropriate cross-references will be considered non-compliant.
- ✓ Complete each question fully and accurately, even if it has been answered in a previous annual report. Enter the word "None", "0" or "N/A" where it truly and completely states the fact. An unanswered question will result in a deficiency notice requiring an additional response.
- ✓ Each utility must submit a report even if it had **NO** revenues during the reporting year.

Reports that do not meet these requirements will not be considered "submitted." Utilities will be subject to legal action under state law for failure to submit annual reports on time without a timely extension request. A utility that does not timely file its annual report, or its response to a notice that its annual report is deficient when a response is sought, is subject to a penalty of one hundred dollars for each day that it is late in filing its annual report or response to a notice of deficiency.

Requests to submit annual report data under seal:

Utilities may request classification of selected portions of their annual report as non-public. Please note that all information classified as non-public will still remain subject to potential disclosure as provided under the Missouri open records act (Chapter 610 RSMo) and Section 386.480, RSMo..

January 15, 2008

Page 2 of 2

In order to take advantage of this procedure, the submitter, either through EFIS or in hard copy form, must:

- A. Provide both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted under seal. The cover of each version must clearly identify whether it is the public or the non-public version. Each page of each version of the report containing non-public information should be clearly identified as containing such information.
- B. Submit both versions of the annual report with a cover letter stating that the utility is designating some or all of the information in its annual report as confidential information, including the name, phone number and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report.
- C. Prominently attach a detailed affidavit to both versions that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be a closed record, and stating that none of the requested information is available to the public in any format.

Requests for extension to submit annual report:

Utilities may request an extension of less than 30 days by 1) submitting a written notification prior to April 15th to the Manager of the Data Center (the EFIS option for this is located under "Filing/Submission - Non-case Related Submission - MO PSC Annual Report Extension Request") that states the reason for the extension, and 2) certifying that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus (i.e., where the Company is identified as a moving party in the case caption) of the proceeding.

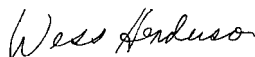
All requests for an extension of 30 days or more must be filed prior to April 15th as a legal pleading. If the Company is a corporation or partnership, the pleading must be filed by an attorney licensed to practice in Missouri. If the utility is individually-owned, the Company owner may file this pleading. The pleading must state the reason for the extension and certify that a copy of the written request was sent to all parties of record in pending cases where the Company's activities are the primary focus of the proceeding (i.e., where the Company is identified as a moving party in the case caption). The filing should be submitted in pleading form and comply with the filing requirements of Chapter 2 of 4 CSR 240.

Questions about the annual report form or its content may be submitted to:
Joan Wandel (573) 751-4785 or by email at Joan.Wandel@psc.mo.gov

The completed document should be submitted under EFIS (accessible from the Commission's Web page <http://www.psc.mo.gov/>) or mailed to:

Manager of the Data Center
Missouri Public Service Commission
200 Madison Street, Suite 100, Jefferson City, MO 65101
(P.O. Box 360, Jefferson City, MO 65102-0360)

Sincerely,



Wess A. Henderson
Executive Director

Enclosure

Senn, Nikki

From: Mail Delivery Subsystem [MAILER-DAEMON@MOMAIL1.mo.gov]
Sent: Tuesday, January 15, 2008 4:11 PM
To: annualreports
Subject: Return receipt

Attachments: ATT1016119.txt; ATT1016120.txt



ATT1016119.txt (410 B) ATT1016120.txt (1 KB)

The original message was received at Tue, 15 Jan 2008 16:10:58 -0600 from [10.74.4.4]

----- The following addresses had successful delivery notifications ----- <keith@camarato.com> (relayed to non-DSN-aware mailer)

----- Transcript of session follows ----- <keith@camarato.com>... relayed; expect no further notifications

The 2007 annual report form was distributed to Camarato Distributing, Inc. through e-mail to Keith Camarato (keith@camarato.com), who was the Annual Report Representative listed in EFIS as of January 2, 2008.



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

TERRY JARRETT

KEVIN GUNN

Missouri Public Service Commission

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Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

May 27, 2008

Tony Camarato
Camarato Distributing, Inc. (CLEC)
Camarato Distributing, Inc. (IXC)
P.O. Box 2050
Herrin, IL 62948

Dear Tony Camarato:

Pursuant to Section 392.210, RSMo Section 393.140, RSMo and the rules at 4 CSR 240-3.165 (Electric Utilities), 4 CSR 240-3.245 (Gas Utilities), 4 CSR 240-3.335 (Sewer Utilities), 4 CSR 240-3.435 (Steam Heating Utilities), 4 CSR 240-3.540 (Telecommunications Companies), and 4 CSR 240-3.640 (Water Utilities), public utilities are required to submit an annual report to the Missouri Public Service Commission on or before April 15th.

This letter is a notification that the Missouri Public Service Commission has not received from your company its required 2007 Annual Report as of the date of this letter.

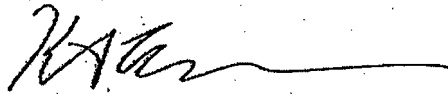
Since your company has not filed its report on or before April 15th, it is subject to legal action under state law for failure to submit an annual report on time. A utility that does not file its annual report in a timely manner is subject to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day that it is late in filing its annual report. If this has been an oversight, filing of the required annual report no later than **June 13, 2008** will prevent assessment of the applicable penalty.

The completed annual report document should be submitted to the Public Service Commission either through the Electronic Filing and Information System (EFIS), which may be accessed from the Commission's web page (<http://www.psc.mo.gov/>), or by mail to the following address:

Data Center
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, MO 65102-0360

If you require assistance submitting the completed annual report in **EFIS**, please contact the Helpdesk by phone (866-365-0924 or 573-526-3648) or by e-mail (helpdesk@psc.mo.gov). Questions regarding the annual report form or its content may be submitted to Joan Wandel by telephone (573-751-4785) or by email at Joan.Wandel@psc.mo.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Thompson', followed by a long horizontal flourish.

Kevin A. Thompson
General Counsel



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

TERRY JARRETT

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COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

October 14, 2008

Tony Camarato
Camarato Distributing, Inc.
P.O. Box 2050
Herrin, IL 62948

Dear Mr. Camarato :

Your file has been forwarded to the Missouri Public Service Commission (Commission) General Counsel's Office because the Commission did not receive your 2007 Annual Report, and it is now considered delinquent as of April 15, 2008. This letter is to determine the status of your annual report and when we can expect your filing of the report.

- Since your company did not file its report on or before the April 15, 2008 deadline, you are subject to legal action under Section 392.210 or 393.140 (6) RSMo (2000). A utility that does not file its report on time is subject to a penalty of \$100.00, and an additional penalty of \$100.00 for each day that it is late in filing its report.¹ Presently, the potential penalties accrued by your company are in the amount of **\$18,300.00**.
- If we receive your annual report by **Friday, October 24, 2008**, we will not proceed with a Complaint case against your company for the applicable penalties.
- Your annual report needs to be sent to:

Data Center
Missouri Public Service Commission
200 Madison Street, Suite 100
P. O. Box 360
Jefferson City, MO 65102-0360

¹ See 4 CSR 240-3.165 (9), 240-3.245 (9), 240-3.335 (9), or 240-3.640 (9).

Exhibit 3

You may also submit your annual report through the Electronic Filing and Information System (EFIS), which may be accessed from the Commission's web page <http://www.psc.mo.gov/>. If you require assistance submitting the completed annual report in EFIS, please contact the Commission's Information Services Helpdesk by phone (866-365-0924 or 573-526-3648) or by e-mail (helpdesk@psc.mo.gov).

Thank you for your prompt attention to this matter. Should you have any questions, or if I may be of any assistance, please contact me at 573-751-8706 or Steven Reed at 573-751-3015.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Hernandez".

Jennifer Hernandez
Legal Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65109
(573)-751-8706
jennifer.hernandez@psc.mo.gov