

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

Halo Wireless, Inc.)	
)	
Complainant,)	
)	Case No. TC-2012-0331
v.)	
)	
CRAW-KAN TELEPHONE)	
COOPERATIVE, INC., et al.,)	
)	
Respondents.)	

**MOTION TO AMEND FORMAL COMPLAINT
AND REQUEST FOR EXPEDITED TREATMENT**

Pursuant to 4 CSR 240-2.080 (18), Complainant Halo Wireless, Inc. (“Halo”) respectfully requests leave of the Commission to file a First Amended Formal Complaint and Request for Expedited Treatment in this matter.

1. On April 2, 2012, Halo filed its Formal Complaint in this matter. That request included a request for expedited treatment as required by 4 CSR 240-29.130(9).

2. In its Order of April 3, 2012, the Commission acknowledged that Halo was seeking expedited treatment of its Formal Complaint: “Halo requests the Commission to grant expedited consideration of its complaint pursuant to Commission Rules 4 CSR 240.120(5) and .130(9).” The Commission granted the request and ordered an expedited schedule.

3. On April 3, 2012, certain respondents, referred to in the Formal Complaint as the “Johnson Respondents” filed an early motion to dismiss the Formal Complaint, and raised a variety of technical arguments, which are discussed and dismissed in Halo’s opposition to that motion, filed this day.

4. While Halo does not believe that the Johnson Defendants’ motion to dismiss has any merit, it does appear that certain arguments raised by the Johnson Defendants can be mooted

by filing a First Amended Formal Complaint and Request for Expedited Treatment. A copy of the proposed pleading is attached hereto.

5. 4 CSR 240-2.080 (18) provides that a party may amend as a matter of right before a “response” is filed, and may amend with leave of the Commission at any time. Even if the Johnson Defendants’ motion to dismiss qualifies as a response under this rule, leave to amend is appropriate and in the interests of justice. The pertinent considerations in granting leave for filing an amended pleading include: “consideration of the reasons to amend, the timeliness of the application, if the amendment cures a deficiency in the prior pleading, and the relative hardships of the parties.” *Staff of the Missouri Public Service Comm’n v. Aspen Woods Apartments Associates, LLC*, File No. WC-2010-0227 (Oct. 27, 2010) citing *Doran v. Chand*, 284 S.W.3d 659, 666 (Mo. App. 2009).

6. In the instant case, permitting the filing of the First Amended Formal Complaint and Request for Expedited Treatment is clearly in the interests of administrative efficiency and due process. To the extent that the Johnson Defendants could be said to have identified any defect in the Formal Complaint, the defects are technical; the Commission’s Order of April 3, 2012 is very clear that the Commission understood the Formal Complaint was seeking expedited relief if the case was permitted to go forward under federal bankruptcy law.

7. The grant of leave to amend will not cause any hardship upon any party. The substance and legal effect of the pleading is not changed. The amendment serves to increase administrative efficiency by mooted a technical argument so the parties and the Commission have one less issue to deal with before proceeding to the merits. In addition, at paragraphs 119 through 122, the First Amended Formal Complaint anticipates, addresses, and refutes a technical issue concerning caller identification information. This issue has been raised by some

Respondents who mistakenly blame Halo for AT&T's actions. Halo believes this is an opportune time to set the record straight as the issue will likely come up in Respondents' arguments on the merits.

8. To the extent necessary or appropriate, Halo requests expedited treatment of this motion to amend for the reasons set forth in its motion requesting expedited treatment filed contemporaneously, seeking expedited treatment of its Formal Complaint and First Amended Formal Complaint. Leave to amend is sought within one week of the filing of the Formal Complaint and within days of receiving the Johnson Respondents' objection to that pleading. As noted in Formal Complaint and Amended Formal Complaint, any action on this matter before the Commission must wait for an initial determination that this matter is within the relief from stay granted in Halo's bankruptcy case.

WHEREFORE, on the basis of the foregoing, Halo Wireless Inc. asks that the Commission grant it leave to amend its pleading and file the First Amended Formal Complaint and Request for Expedited Treatment and such other relief as the Commission deems appropriate.

Respectfully submitted this 9th day of April, 2012.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been filed with the Missouri Public Service Commission electronic filing system and has been e-mailed to the following counsel of record this 9th day of April, 2012:

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