

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

Albert Silk,)	
)	
Complainant)	
v.)	<u>File No. IC-2012-0268</u>
)	
Embarq Missouri, Inc.)	
d/b/a CenturyLink,)	
)	
Respondent)	

MOTION TO AMEND ANSWER AND MOTION DISMISS

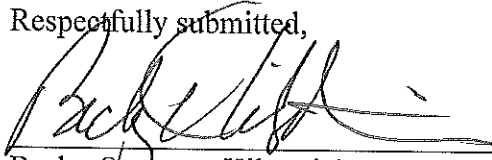
Embarq Missouri, Inc. d/b/a CenturyLink ("CenturyLink"), in accordance with 4 CSR 240-2.080 (18), respectfully requests that it be allowed to amend its Answer, Motion to Dismiss and Affirmative Defenses previously filed on March 2, 2012 to clarify and correct information related to the circumstances surrounding the Lifeline rejection letter sent by CenturyLink to Mr. Silk. In support of this Motion, CenturyLink states as follows:

1. On February 2, 2012 the Commission served CenturyLink with a Notice of a Complaint filed by Mr. Albert Silk, which directed CenturyLink to file an Answer to the Complaint by March 3, 2012. CenturyLink filed its Answer, Motion to Dismiss and Affirmative Defenses on March 2, 2012.
2. On March 12, staff of the Commission served CenturyLink with six data requests relating to Mr. Silk's Complaint and CenturyLink's Answer, Motion to Dismiss and Affirmative Defenses.¹

¹ CenturyLink is filing its Responses to staff's data requests separately on this same day.

3. As a result of the research CenturyLink conducted to respond to staff's data requests, CenturyLink's counsel became aware of additional information concerning the Lifeline rejection letter Mr. Silk received in January 2012. This additional information makes it necessary for CenturyLink to amend its original Answer and Motion to Defense to clarify and correct the facts as stated. CenturyLink had stated that Mr. Silk erroneously had received a letter that was intended for another customer. In fact, Mr. Silk was the intended recipient of the letter; however, the letter erroneously referenced a phone number that belonged to another customer.
4. Specifically, the Amended Answer revises the first full paragraph and footnote 2 on page 2. The Amended Motion to Dismiss revises lines 5 and 6 of the paragraph setting forth the Motion on page 3. The Amended Answer, Amended Motion to Dismiss and Affirmative Defenses are included with this Motion.
5. No party will be prejudiced if this Motion is granted as the amended filing will ensure that the Commission has a complete and accurate factual record to assist with its consideration and decision on this matter.

Respectfully submitted,



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CenturyLink

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid to the following parties on this 4th day of April, 2012:

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