

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

Eminent Network Technologies, Inc.)	
d/b/a Interlinc.net,)	
)	
Complainant,)	
)	
v.)	
)	Case No. IC-2007-0092
CenturyTel of Missouri, LLC)	
and)	
Spectra Communications Group, LLC)	
d/b/a CenturyTel,)	
)	
Respondents)	

COMPLAINT

COMES NOW Eminent Network Technologies, Inc. d/b/a Interlinc.net ("Eminent" or "Complainant"), by its undersigned counsel, and pursuant to Sections 386.320, 386.330, 386.390, 386.400, 392.200, 392.240, 392.350, 392.360, and 392.470, RSMo, and 4 CSR 240-2.070, states as follows for its Complaint against CenturyTel of Missouri, LLC ("CenturyTel") and Spectra Communications Group, LLC, d/b/a CenturyTel ("Spectra"), collectively "Respondents" or "CenturyTel":

NATURE OF THE COMPLAINT

The subject of this Complaint is a billing dispute between Eminent, an Internet Service Provider (ISP) based in Branson, Missouri, and CenturyTel. CenturyTel alleges that Eminent is delinquent in paying bills on certain accounts, and has threatened to terminate service to Eminent if full payment is not received by CenturyTel today (August 29, 2006). Eminent believes the bills in question are in error, in whole or in part, and disputes them.

This Complaint is filed to ask the Missouri Public Service Commission to immediately order CenturyTel of Missouri, LLC and/or Spectra Communications Group, LLC, d/b/a CenturyTel not to terminate or interrupt the provision of telecommunications services to Eminent pending the Commission's determination in the instant complaint. In accordance with 4 CSR 240-33.110 (5), pending the resolution of this complaint, Respondents may not discontinue service to Complainant on the basis of the issues that are the subject matter of this complaint.

Complainant Eminent has previously experienced billing problems with Respondents which resulted in the filing of a formal complaint by Eminent in Case No. TC-2005-0356. That matter was ultimately resolved by stipulation and agreement between the parties. Unfortunately, certain inaccurate billing has continued to occur and new amounts are now in dispute between Eminent and Respondents which are the subject of this Complaint. Although discussions continue between the parties, CenturyTel has not agreed to withdraw its threat of termination of service. Thus, this Complaint is filed to assure that CenturyTel does not terminate service to Eminent, which would cause substantial and irreparable harm to Eminent.

Complainant is willing to participate in a mediation process with the goal of resolving its billing and service disputes with Respondents.

JURISDICTION

1. The Public Service Commission of Missouri has jurisdiction over the Respondents and the matters at issue. The Commission has general jurisdiction over Respondents as telecommunication companies, and over their telecommunications facilities, pursuant to, *inter alia*, Section 386.250, RSMo., including all powers necessary or proper to enable it to carry out fully and effectually all its regulatory purposes as provided in Section 386.040, RSMo. The Commission has jurisdiction to supervise Respondents and their facilities pursuant to Section 386.320, RSMo. The Commission has jurisdiction to pursue complaints regarding unlawful conduct by telecommunications companies pursuant to Sections 386.310, 386.330, 386.390, 386.400, 392.200, 392.240, 392.350, 392.360 and 392.470.1, RSMo. The Commission has authority to grant interim relief without notice or hearing under Section 386.310.1.

2. The Commission has specific jurisdiction to hear this matter pursuant to Section 386.390, Section 386.330 and Section 392.240, RSMo.

THE PARTIES

3. Complainant Eminent Network Technologies, Inc. d/b/a Interlinc.net ("Eminent") is a Missouri corporation, with its principal offices at 607 State Highway 165, Suite #5, Branson, Missouri (MO) 65616. Eminent is an Internet Service Provider (ISP), founded in 1997. Eminent is a retail customer of Respondent CenturyTel of Missouri, LLC, and of Respondent Spectra Communications Group, LLC, d/b/a CenturyTel, securing and paying for retail

telecommunications services from both Respondents which are used to provide Internet access services to Eminent's customers.

4. Respondent CenturyTel of Missouri, LLC is a Louisiana limited liability corporation that is duly authorized to do business in Missouri, with its principal offices at 100 Century Park Drive, Monroe, Louisiana (LA) 71203 and local offices at 220 Monroe Street, 1st Floor, Jefferson City, Missouri (MO) 65101.

5. Respondent Spectra Communications Group, LLC, d/b/a CenturyTel is a Delaware limited liability corporation that is duly authorized to do business in Missouri, with its principal offices at 100 Century Park Drive, Monroe, Louisiana (LA) 71203 and local offices at 220 Monroe Street, 1st Floor, Jefferson City, Missouri (MO) 65101.

6. Both Respondents are successors in interest to GTE Midwest, Inc., d/b/a Verizon Midwest. The address, telephone number and facsimile number shared by Respondents are as follows:

220 Monroe Street, First Floor
Jefferson City, MO 65101
Telephone: 573-636-7196
Fax: 573-636-6826

7. Respondents are incumbent local exchange telecommunications companies ("ILECs"), as defined in Section 251(h) of the Federal Act, and are local exchange carriers subject to the jurisdiction of the Public Service Commission of Missouri pursuant to Sections 386.020, 386.040, 386.250, 386.310, 386.320, 386.330, 386.360, 386.390, 386.400, 392.200, 392.220, 392.240, 392.250, 392.350, 392.360, 392.361, 392.400, 392.410 and 392.470 RSMo. Respondents are public utilities as defined in Section 386.020.

Respondents each provide regulated intrastate telecommunications services within their Missouri service area.

8. Respondents also provide ISP telecommunications services to end users in direct competition with the Complainant Eminent Network Technologies.

9. The Respondents have been directly contacted by Complainant Eminent Network Technologies, and by counsel acting on its behalf, about the circumstances giving rise to this complaint. Neither Respondent has satisfied the billing disputes which are at the heart of this Complaint, and Respondents have refused to withdraw their threat to discontinue services to Complainant.

10. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this case should be addressed to:

William D. Steinmeier
William D. Steinmeier, P.C.
2031 Tower Drive
P. O. Box 104595
Jefferson City, Missouri 65110-4595
Telephone: (573) 659-8672
Fax: (573) 636-2305
Email: wds@wdspsc.com

with a copy to:

Mr. Richard Rabah
President
Eminent Network Technologies, Inc.
607 State Highway 165, Suite #5,
Branson, Missouri (MO) 65616
Tel: 417-239-1399, ext. 110
Fax: 471-239-1449
Email: rcr@interlinc.net

STATEMENT OF COMPLAINT

11. Over a period of several years, both CenturyTel and Spectra have sent numerous bills to Complainant containing billing errors, such as billing Complainant for services and facilities not ordered by Complainant or not provided by Respondents, or for services and facilities previously canceled by Complainant. Complainant has challenged the accuracy of Respondent's bills on numerous occasions.

12. On or about July 21, 2006, Respondent CenturyTel placed into overnight mail four demand letters addressed to Eminent. Each of the letters demanded immediate payment by Eminent of an amount of money relating to a different account for services and facilities provided to Eminent by CenturyTel of Missouri. In total, these letters demand payment by Eminent of \$115,841.38, by August 22, 2006, in order to avoid discontinuance of service from CenturyTel on the next business day (August 23, 2006).

13. After discussions with Eminent, CenturyTel extended its deadline for receiving payment of all amounts allegedly owed by Eminent to CenturyTel by one week, until August 29, 2006. Further and ongoing efforts by Eminent to seek resolution with CenturyTel of disputed billings have not yet been successfully concluded. Eminent has made a good faith payment offer of less than the total amount demanded by CenturyTel in an effort to resolve the matter, even temporarily. However, CenturyTel has declined to withdraw its threatened termination of service to Eminent. Thus, Eminent finds itself faced with imminent

termination of service by CenturyTel, which would shut down Eminent's business entirely.

14. Complainant has not been properly and accurately billed by CenturyTel. Complainant disputes the total amount Respondents have demanded.

15. Since these accounts are not "undisputed delinquent accounts" within the meaning of Respondent's tariffs, the threatened discontinuance of service to Eminent Network Technologies, Inc. d/b/a Interlinc.net, constitutes a violation of Respondents' tariffs on file with and approved by this Commission.

16. These imminent threatened discontinuances of service would cause serious and irreparable economic harm to Complainant, Eminent Network Technologies, and to its customers. The inability of the ISP's customers to gain internet access would cause them to leave Complainant and seek ISP services elsewhere. The termination of services to Complainant by Respondents, or either of them, would directly threaten serious and irreparable harm to the economic viability of Complainant and to the property and livelihood of its owners.

17. Section 386.310.1 RSMo. provides that the Commission "may waive the requirements for notice and hearing and provide for expeditious issuance of an order in any case in which the commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order."

18. Respondents have received notice of the instant Complaint, so an expeditious, immediate Order of the Commission prohibiting discontinuance of service until the matter can be addressed by the Commission would not require waiving the requirements for notice. It would, however, allow additional time for the parties to seek agreement, or for a Commission determination on the outcome of this billing dispute, without the serious threat to the economic viability of Complainant and its owner that Respondents' threatened terminations of service would cause.

19. The practices of Respondents in threatening termination of services to Complainant Eminent under the circumstances of this case are unjust and unreasonable, within the meaning and purview of Section 392.240.2.

WHEREFORE, Complainant, Eminent Network Technologies, Inc. d/b/a Interlinc.net, respectfully and urgently requests that the Public Service Commission of Missouri issue an Order:

(A) Requiring Respondents to immediately withdraw their threat of termination, disconnection or discontinuance of service to Complainant pending the Commission's determination of the instant Complaint;

(B) Prohibiting Respondents, or either of them, from disconnecting, terminating or discontinuing services to Eminent pending resolution of this Complaint by the Commission;

(C) Prohibiting Respondents, or either of them, from refusing to fill service orders placed by Eminent during the pendency of this Complaint;

(D) Setting this matter for hearing on the merits of the billing disputes between Respondents and Complainant; and

(E) Granting such further and additional relief as is equitable and just.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR COMPLAINANT
EMINENT NETWORK TECHNOLOGIES,
INC., d/b/a INTERLINC.NET

Dated: August 29, 2006

Certificate of Service

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at gencounsel@psc.mo.gov), the Office of Public Counsel (at opcservice@ded.mo.gov) and counsel for CenturyTel (at lwdority@sprintmail.com), on this 29th day of August 2006.

/s/ William D. Steinmeier

William D. Steinmeier