

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of CenturyTel of Missouri, LLC	)	
d/b/a CenturyTel and Spectra Communications	)	Case No. TC-2007-0307
Group, LLC d/b/a CenturyTel Tariff Filings to	)	
Grandfather Remote Call Forward Services	)	Tariff Nos. JI-2007-0498
To Existing Customers and Existing Locations	)	JI-2007-0499

**MOTION TO STRIKE PORTIONS OF CENTURYTEL'S BRIEF**

COME NOW Socket Telecom, LLC, and Socket Internet pursuant to 4 CSR 240-2.080(15) and other applicable authority and for their Motion to Strike Portions of CenturyTel's Brief state to the Commission:

1. At page 12 of its Brief, CenturyTel makes a statement concerning purported industry standards for traffic study methodologies that is not based on any information in the record.

2. At pages 13 -14 of its Brief, CenturyTel references materials from a purported federal criminal proceeding that are not in the record and are not a form of legal authority for any proposition. CenturyTel also attaches materials ostensibly concerning this purported criminal proceeding to its Brief.

3. At pages 19-20 of its Brief, CenturyTel references purported excerpts from Staff pleadings in another case that are not in the record and are not a form of legal authority for any proposition.

4. The Commission should strike all the foregoing unfounded and inappropriate matter from CenturyTel's Brief and not take it into consideration in its analysis of this case.

5. The Brief submitted by Socket Telecom and Socket Internet, and the Brief submitted by Staff, show that CenturyTel's arguments are also unfounded, but the inclusion of the

foregoing items goes well beyond the confines of appropriate briefing. As the Commission is well aware, its decisions must be based on the record before it. See, e.g., State ex rel Associated Natural Gas Co. v. PSC, 37 SW3d 287, 292 (Mo. App. 2000).

WHEREFORE, Socket Telecom and Socket Internet move the Commission to strike and disregard the foregoing provisions of CenturyTel's Brief.

Respectfully submitted,

/s/ Carl J. Lumley

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Carl J. Lumley, Mo. Bar No. 32869  
Leland B. Curtis, Mo. Bar No. 20550  
Curtis, Heinz, Garrett & O'Keefe, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788 (Telephone)  
(314) 725-8789 (FAX)  
clumley@lawfirmemail.com  
lcurtis@lawfirmemial.com

Attorneys for Socket Telecom, LLC and  
Socket Internet

### **Certificate of Service**

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 6th day of November, 2007, by email and/or by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102  
gencounsel@psc.mo.gov

Office of Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102  
opcservice@ded.mo.gov

CenturyTel of Missouri, LLC  
Spectra Communications Group, LLC  
d/b/a CenturyTel  
c/o Larry Dority  
Fischer & Dority  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
lwdority@sprintmail.com