

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

R. Mark,)	
)	
Complainant,)	
)	Case No. TC-2006-0354
vs.)	
)	
Southwestern Bell Telephone, L.P.,)	
d/b/a AT&T Missouri,)	
)	
Respondent)	

**AT&T MISSOURI’S MEMORANDUM IN RESPONSE TO COMPLAINANT’S
REQUEST THAT THE COMMISSION RECONSIDER ITS OCTOBER 12, 2006,
ORDER *NUNC PRO TUNC* GRANTING RESPONDENT’S
MOTION TO COMPEL**


Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T Missouri”) hereby responds to Complainant’s October 23, 2006 Request that the Commission Reconsider its October 12, 2006, Order *Nunc Pro Tunc* Granting Respondent’s Motion to Compel (“Request”).

Complainant’s Request should be denied in all respects. First, it is untimely, as it was not filed prior to the effective date of the Commission’s Order Granting In Part Motion To Compel Responses To Data Requests. Section 386.500.2 RSMo 2000; 4 CSR 240-2.160. Second, Complainant has already extensively argued his objections to the AT&T Missouri Data Requests addressed by the Commission’s Order -- in his June 26, 2006, Response to AT&T Missouri’s Motion to Compel; his July 21, 2006, Responses to Respondent’s Data Requests Including Objections Thereto; and, at the Third Prehearing Conference held on September 13, 2006. Complainant Request raises no new arguments, and certainly none that could not have been raised earlier.

For the foregoing reasons, AT&T Missouri respectfully requests the Commission to deny Complainant's Request.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

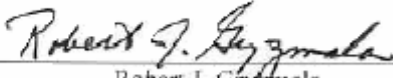
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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties via U.S. Mail on October 25, 2006.


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