

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

In the Matter of the filing of New Tariff Sheets)	
For Socket Telecom, LLC to Provide A Market)	Case No.
Trial For Free Local Exchange Services.)	Tariff Tracking No. JC-2005-0165

MOTION TO SUSPEND TARIFF AND REQUEST FOR INTERVENTION

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to 4 CSR 240-2.065 (3) and 4 CSR 240-2.075 respectfully files its Motion To Suspend Tariff And Request For Intervention ("Motion") in this proceeding. In support of its Motion, CenturyTel states as follows:

1. On September 8, 2004, Socket Telecom, LLC ("Socket") filed proposed tariff sheets for Socket Telecom, LLC's P.S.C. Mo. No. 2 (Attached as Exhibit No. 1) which are apparently intended to allow Socket to engage in market trials that will enable Socket to test its ability to provide local exchange services in various geographic areas where the company plans to provide local services. These market trials may include local exchanges presently served by CenturyTel of Missouri, LLC. The local exchange services would be provided during the market trial **at no cost** to the consumer in violation of Section 392.220.3, RSMo. In addition, while the market trial is intended to last a maximum of 12 weeks, the proposed tariff does not have a specific ending date for the trial which is contrary to custom and practice for previously approved market trials approved by the Commission. For the reasons stated herein, CenturyTel respectfully requests that the proposed tariffs of Socket be suspended, the matter set for hearing, and that CenturyTel be granted intervention in the proceeding.

2. Socket is proposing to offer its market trial for free, or at no charge, to all trial participants in violation of RSMo 392.220.3 which states, “*No telecommunications company subject to the provisions of this law shall, directly or indirectly, give any free or reduced service, or any free pass or frank for the provision of telecommunications services between points within this state, except to its officers, employees, agents, surgeons, physicians, attorneys at law and their families; to persons or corporations exclusively engaged in charitable and eleemosynary work and ministers of religions; to officers and employees of other telegraph corporations and telephone corporations, railroad corporations and street railroad corporations; public education institutions, public libraries and not-for-profit health care institutions. This subsection shall not apply to state, municipal or federal contracts.*”

3. Finally, Socket claims that “*the Company may need to test the capabilities of the systems required by a proposed service, including, but not limited to systems needed to establish, provision, operate, **bill and/or collect for service**, whether such systems are provided solely by the Company or in combination with systems provided by other carriers or vendors.*” A “no charge” trial would not allow Socket to test the accuracy of its billing and other back office support systems, which is arguably one of the most crucial elements for the provision of telecommunications services as far as consumers are concerned. There is no apparent reason in testing a system for which a business entity cannot account, bill or collect for service.

4. Unlike market trials approved in the past for Fidelity, AT&T and Time Warner, Socket has proposed no end date for its trial. Socket’s proposed tariff only states that, “[e]ach trial will last for a maximum of 12 weeks.” Socket provides no

beginning or end dates. It can only be inferred that a trial may begin October 8, 2004, the effective date of the tariff. By not providing a date certain when a market trial will end in effect gives Socket a perpetual market trial since the Commission will not know when or where a 12-week trial is to begin or end. In a previously approved market trial in Case No. LT-2004-0523, Time Warner specifically specified that their market trial would "end on September 9, 2004." CenturyTel believes that the Commission should require that Socket's trial have a specific ending date.

5. Assuming that the Commission grants CenturyTel's Motion To Suspend Tariff, CenturyTel would also request that the matter be set for hearing and that CenturyTel be permitted to intervene in the proceeding. Pursuant to 4 CSR 240-2.075, the legal name and principal place of business of CenturyTel is:

CenturyTel of Missouri, LLC
100 CenturyTel Drive
Monroe, Louisiana 71203
Telephone: (318) 388-9000
Facsimile: (318) 388-9602

6. CenturyTel is a Louisiana limited liability corporation that is duly authorized to do business in the state of Missouri. Copies of CenturyTel's Certificate of Authority to transact business in Missouri from the Missouri Secretary of State were filed in Case No. TM-2002-232, *In the Matter of the Joint Application of GTE Midwest, Inc., d/b/a Verizon Midwest and CenturyTel of Missouri, LLC for 1) Authority to Transfer and Acquire Part of Verizon Midwest's Franchise, Facilities and System Located in the State of Missouri; 2) For Issuance of Certificate of Service Authority to CenturyTel of Missouri, LLC; 3) To Designate CenturyTel of Missouri, LLC as Subject to Regulation as a Price Cap Company; and 4) To Designate CenturyTel of Missouri, LLC as a*

Telecommunications Carrier Eligible to Receive Federal Universal Service Support, and are incorporated herein by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G). Pursuant to the Commission's *Report and Order* issued in Case No. TM-2002-232, CenturyTel provides basic local and interexchange telecommunications services in Missouri. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Larry W. DORITY
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383

7. CenturyTel has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

8. CenturyTel's interests in this matter are different from that of the general public. Granting CenturyTel's application will serve the public interest. CenturyTel states that it is opposed to Socket's proposed tariff.

WHEREFORE, CenturyTel of Missouri, LLC prays that the Commission suspend the tariffs filed in this matter by Socket on September 8, 2004 (as substituted on September 20, 2004), set the matter for hearing, and permit CenturyTel to participate as an intervenor in this proceeding, and for such other and further relief as the Commission deems appropriate.

Respectfully submitted,

/s/ James M. Fischer

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lwdority@sprintmail.com

Attorneys for CenturyTel of Missouri, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been transmitted by e-mail this 6th day of October, 2004, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City MO 65102

Carl J. Lumley, Esq.
Curtis Oetting, Heinz, Garrett &
O'Keefe, P.C.
130 South Bemiston, Suite 200
St. Louis, MO 63105

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City MO 65102

Matt Kohly
Socket Telecom, LLC
1005 Cherry Street, Suite 104
P.O. Box 1902
Columbia, MO 65210

/s/ James M. Fischer

James M. Fischer

Utility Type : CLEC

Tracking No.	Case No.	Date Filed/ Type of Submission	Company Name	PSC MO No.	Purpose of Filing / Submission Detail	Tariff Effective Date	Status
JC-2005- 0165		09/08/2004 Revise Tariff	Socket Telecom, LLC-CLEC (Telephone)	2	Purpose: <u>to allow Socket Telecom to engage in market trials that will enable the Company</u> Detail: 1st rs 3.1; ori 38 and ori 39	10/08/2004	Pending
		09/20/2004 Substitute Tariff	Socket Telecom, LLC-CLEC (Telephone)	2	Purpose: <u>The purpose of this filing is to submit a substitute sheet at the request of Art</u> Detail: Original Sheet 38	10/08/2004	Substituted

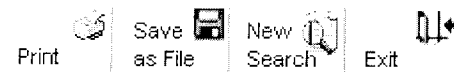


Exhibit NO. 1



Socket Telecom, LLC
1005 Cherry Street, Suite 104
PO Box 1902 | Columbia, MO 65201
(573) 256-6200 | fax: (573) 256-6201

September 8, 2004

Mr. Dale Hardy Roberts
Executive Secretary
Missouri Public Service Commission
200 Madison Street, Ste 100
Jefferson City, MO 65101

RECEIVED

SEP 08 2004

*Records
Public Service Commission*

Re: Filing New Tariff Sheets for Socket Telecom, LLC

Attached please find the original and six copies of proposed tariffs sheets for Socket Telecom, LLC's P.S.C. Mo. No. 2. The proposed tariffs sheet are intended to allow Socket Telecom to engage in market trials that will enable the Company to test its ability to provide local exchange services for a limited period of time in various geographic area where the company plans to provide local services. The requested effective date is September 8, 2004.

Should you have any questions, please feel free to contact me at 573-777-1991, ext. 551 or e-mail me at rmkohly@sockettelecom.com. Thank you for your assistance.

Sincerely

A handwritten signature in black ink, appearing to read "Matt Kohly".

Matt Kohly

P.S.C. Mo. No. 2
Socket Telecom, LLC

Section 1
1st Revised Sheet 3.1
Replacing Original Sheet 3.1

LOCAL MARKET TRIAL

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Socket Telecom, LLC

LOCAL MARKET TRIAL

8.1 General

8.1.1 Purpose

A market trial is intended to enable the Company to test its ability to provide local exchange services for a limited period of time in a particular geographic area. As a part of a market trial, the Company may need to test the capabilities of systems required by a proposed service, including, but not limited to, systems needed to establish, provision, operate, bill, and/or collect for service, whether such systems are provided solely by the Company or in combination with systems provided by other carriers or vendors. A market trial is not an offer to provide service to the general public.

8.1.2 Eligibility

A maximum of 50 targeted participants may subscribe to services offered as part of a local market trial.

8.1.3 Availability

Services subject to a local market trial are only available in exchanges where Socket Telecom, LLC is certificated to provide basic local and/or non-basic local telecommunications services and where the Company is engaged in a market trial and has facilities available. Each trial will last for a maximum of 12 weeks.

8.1.4 Services

Local exchange services offered as part of a local market trial will include, but not be limited to, exchange services, custom features (e.g., custom calling, call control options, Caller ID, etc.), directory listings, operator services (e.g., directory assistance, station collect, etc.), E911, and service assistance programs where eligible (e.g., Lifeline).

LOCAL MARKET TRIAL

8.1 General - (Continued)

8.1.5 Rates

Services offered as part of a local market trial will be offered to trial participants at no charge.

8.1.6 Liability of the Company

The Company's liability, if any, for its willful misconduct is not limited by this tariff. With respect to any other claim or suit, by a Customer or by any others, for damages associated with the installation, provision, termination, maintenance, repair, or restoration of a service, the Company's liability, if any, shall not exceed an amount equal to the proportionate charge for the service for the period during which the service was affected.

The Company is not liable for any act or omission of any other communications provider which furnishes a portion of a service.

The Company shall be indemnified, defended, and held harmless against any claims, actions, damages, losses, liabilities, costs and expenses, including reasonable attorney's fees, arising from the use of services offered under this tariff.

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