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

)

)

)

)

)

In the Matter of the Application of USCOC of Greater Missouri, LLC for Designation as an Eligible Telecommunications Carrier Pursuant To The Telecommunications Act Of 1996

Case No. TO-2005-0384

## MOTION OF U.S. CELLULAR FOR LEAVE TO FILE SCHEDULE OUT OF TIME

Applicant USCOC of Greater Missouri, LLC, d/b/a U.S. Cellular, hereby requests leave of the Commission under 4 CSR 240-2.015 to refile Schedule NW-6 attached to the Surrebuttal Testimony of Nick Wright out of time. In support of this Motion, U.S. Cellular states as follows:

1. Attached is Schedule NW-6 which is a website screen shot of the Verizon Wireless Network Map which shows that company's Missouri coverage. Due to an administrative error, the Schedule NW-6 which was filed with the Surrebuttal Testimony of Nick Wright was a website screen shot of the Verizon Wireless America's Choice map.

2. 4 CSR 240-2.130(8) requires that no party can supplement testimony unless ordered by the presiding officer or the Commission. However, the Commission for good cause may waive such a rule under 4 CSR 240-2.015.

3. As this Schedule is being submitted within 24 hours from the date that the Surrebuttal Testimony of Mr. Wright was filed at the Commission, U.S. Cellular believes that good cause exists for granting leave to file the correct Schedule one day out of time and that it be considered as attached to Mr. Wright's Surrebuttal Testimony and replacing Schedule NW-6 which was filed on October 3, 2005.

WHEREFORE, U.S. Cellular requests that the Commission permit the filing of Schedule NW-6 one day out of time and that it be considered as if it were attached to the Mr. Wright's Surrebuttal Testimony which was filed on October 3, 2005.

Respectfully submitted,

/s/ Karl ZobristMO #28325Karl ZobristMO #28325kzobrist@sonnenschein.comMO#39586rsteiner@sonnenschein.comMO#39586Sonnenschein Nath & Rosenthal, LLP4520 Main Street, Suite 1100Kansas City, Missouri 64111(816) 460-2545(816) 460-531-7545 (FAX)

David A. LaFuria Steven M. Chernoff dlafuria@fcclaw.com schernoff@fcclaw.com Lukas, Nace, Gutierrez & Sachs, Chtd. 1650 Tysons Boulevard McLean, Virginia 22102 (703) 584-8678 (703) 584-8694 (FAX)

Attorneys for U.S. Cellular

## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed this 4th day of October, 2005, to:

Marc C. Poston Senior Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102 marc.poston@psc.mo.gov

Bryan T. McCartney W.R. England, III Sondra B. Morgan Brydon Swearengen & England, P.C. P.O. Box 456 Jefferson City, MO 65102 <u>bmccartney@brydonlaw.com</u>

Attorneys for Small Telephone Company Group

Robert J. Gryzmala One SBC Center, Room 3516 St. Louis, MO 63101 <u>robert.gryzmala@sbc.com</u>

Attorney for Southwestern Bell Telephone, L.P. d/b/a SBC Missouri

Michael F. Dandino Senior Public Counsel P.O. Box 2230 Jefferson City, MO 65102 <u>mike.dandino@ded.mo.gov</u>

Charles Brent Stewart Stewart & Keevil, LLC 4603 John Garry Drive, Suite 11 Columbia, MO 65203 <u>stewart499@aol.com</u>

Attorney for Spectra Communications Group, LLC and CenturyTel of Missouri, LLC

/s/ Karl Zobrist Attorney for U.S. Cellular