

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Socket Telecom, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2007-0341
)	
CenturyTel of Missouri, LLC d/b/a)	
CenturyTel and Spectra Communications)	
Group, LLC dba CenturyTel)	
)	
Respondents.)	

SOCKET TELECOM'S MOTION TO REOPEN RECORD AND ADMIT AFFIDAVIT

COMES NOW Socket Telecom, LLC, pursuant to 4 CSR 240-2.080, 2.130(17), and 386.410 and 386.500 RSMo and other applicable authority and for its Motion to Reopen Record and Admit Affidavit states to the Commission:

1. Subsequent to the conclusion of the hearing in this matter, there have been additional developments concerning the LNPA Working Group's consensus decision that the ports in question in this case should be provided as a matter of best industry practices. Those developments are described in the Supplemental Affidavit of Matt Kohly submitted herewith.

2. Pursuant to 386.500 and the standards for granting a new trial based on new evidence, if the Commission had already issued its decision in this case, the information contained in the attached affidavit would provide grounds for a new trial. It is new information that was not available at the time of hearing, it is material, it is not cumulative, it is supported by affidavit, and it does not concern impeachment of a witness. See, e.g., *Higgins v. Star Electric*, 908 SW2d 897, 903 (Mo. App. 1995).

3. In that the Commission has not yet issued its decision, it would be most efficient and productive for the Commission to reopen the record and admit the attached affidavit as a post-hearing exhibit pursuant to 4 CSR 240-2.130(17). As demonstrated in the affidavit, the new information is relevant and material and admission of that information into the record would enable the Commission to make its decision based on more current facts. Additionally, admission of this new information into the record would eliminate the need for a post-decision motion for rehearing to allow a reconsidered decision with the new information available.

WHEREFORE, Socket Telecom requests that the Commission reopen the record and admit the attached affidavit pursuant to 4 CSR 240-2.130(17) and other applicable authority.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was emailed to the parties listed below on this 17th day of October, 2007.

/s/ Carl J. Lumley

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