

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of	)	
MCC Telephony of Missouri, Inc.	)	Case No. TE-2006-0415
For a Waiver of Compliance with	)	
The Requirement of 4 CSR 240-240-32	)	

**MCC TELEPHONY of MISSOURI'S OBJECTIONS TO  
STAFF'S REBUTTAL TESTIMONY**

Comes Now MCC Telephony of Missouri, Inc. ("MCC"), by and through counsel and asserts these objections to the written rebuttal testimony of Larry R. Henderson filed in this matter on December 4, 2006:

1. MCC objects to lines 22-23 on page 5; lines 1-12 on page 6. MCC objects to the form of the question and the testimony following. The question is argumentative. The testimony is an inadmissible comment on the weight of the evidence and invades the province of the Commission. It also presumes that MCC is required to repeat each point of its application in supporting testimony.

2. MCC objects to Lines 12 -20 on page 6. MCC objects to the form of the question and the testimony following. The question is argumentative. The testimony is an inadmissible comment on the weight of the evidence and invades the province of the Commission. It also presumes that MCC is required to offer testimony on all points or assertions in its application.

3. MCC objects to Lines 15-19 on page 7. MCC objects to the form of the question and the testimony following. The question is argumentative and asks the witness to testify on the ultimate issue in the case. The testimony is also an inadmissible comment on the weight and effect of the evidence in the case which again invades the province of the Commission.

4. MCC objects to lines 3-17 on page 14, and objects to the testimony beginning with line 20 on page 15 continuing through page 17, line 4 on grounds of relevancy. The questions and answers in the identified portions of Mr. Henderson's testimony are not relevant to the application for variance.

MCC respectfully requests the Commission to sustain these objections and strike the objected to portions of Mr. Henderson's rebuttal testimony.

Respectfully submitted,

/s/ Mark W. Comley

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 13<sup>th</sup> day of December, 2006 to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov); and Craig Johnson at [Craig@csjohnsonlaw.com](mailto:Craig@csjohnsonlaw.com).

/s/ Mark W. Comley