

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

CenturyTel of Missouri, LLC d/b/a	)	
CenturyLink and Spectra Communications	)	
Group, LLC d/b/a CenturyLink,	)	
Complainants,	)	
v.	)	File No. TC-2014-0263
	)	
Sprint Communications Company, LP	)	
Respondent.	)	

**CENTURYLINK'S UNOPPOSED MOTION FOR EXTENSION OF TIME**

COMES NOW, CenturyTel of Missouri, LLC d/b/a "CenturyLink" and Spectra Communications Group, LLC d/b/a "CenturyLink" (collectively "Movants" or "CenturyLink") and request expedited approval of this unopposed motion to extend the deadline for CenturyLink's Response to Sprint's Motion to Dismiss, and to correspondingly extend the deadline for Staff's response as well, and respectfully states as follows:

1. CenturyLink filed its Complaint Against Sprint for Violation of Intrastate Access Tariffs on March 28, 2014.<sup>1</sup> On April 1 the Commission issued an order directing Sprint to file an answer by May 1. On May 1, Sprint did not file an answer but did file a Motion to Dismiss. Pursuant to 4 CSR 240-2.080(13), parties are allowed ten (10) days to respond to a pleading unless a different date is set by Commission order. Consequently, CenturyLink's Response to Sprint's Motion to Dismiss is due on Monday, May 12. In addition, on May 6, the Commission ordered the Staff to file a response by June 5 to both the complaint and to Sprint's motion.
2. CenturyLink's complaint acknowledged the pendency of litigation in Louisiana federal court on the intrastate claim that is the basis of CenturyLink's complaint, but the complaint also

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<sup>1</sup> All calendar references are to 2014 unless otherwise noted.

stated that CenturyLink is actively seeking to dismiss its intrastate claims from that litigation.<sup>2</sup> Sprint's Motion to Dismiss appears premised in large part on the pendency of that parallel litigation.<sup>3</sup> Without addressing the merit or lack of merit of Sprint's arguments, CenturyLink asserts that the adjudication of its complaint before this Commission will be simplified and more efficient once the issue of the dismissal of CenturyLink's intrastate claims from the Louisiana federal court proceeding is resolved.

3. In the Louisiana federal court case CenturyLink sought to dismiss its intrastate claims by first moving to vacate a stay in that case and then by filing a notice of dismissal. Sprint opposed the motion to vacate stay and argued that a notice of dismissal was improper for dismissing some, but not all, claims.<sup>4</sup> In reply CenturyLink agreed that it should move to amend its original federal complaint to dismiss just its intrastate claims and promised to do so once the stay was lifted. The Louisiana court issued a ruling on May 5 that lifted the stay and gave CenturyLink until May 26 to file a motion to amend its federal complaint. (See Exhibit 1 to this Motion.) CenturyLink intends to file a motion to amend its original federal complaint in order to dismiss all of its intrastate claims by or before May 26. .

4. At this juncture, the salient point is that a schedule and a process is currently in place in the Louisiana federal court for CenturyLink to pursue dismissal of its intrastate claims. While CenturyLink does not agree that this Commission is precluded from proceeding with CenturyLink's Missouri complaint while the intrastate claims are still pending in Louisiana, it is more efficient to allow CenturyLink's efforts at dismissing its intrastate claims from the Louisiana federal court case to play out and be resolved. CenturyLink firmly believes that its

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<sup>2</sup> CenturyLink Complaint, at pg. 12. CenturyLink does not concede that there are compelling legal grounds to dismiss this complaint even if the same claim is pending in a federal forum.

<sup>3</sup> See, e.g., Sprint Motion to Dismiss, at pgs. 7-9.

<sup>4</sup> See generally Exhibit 6 to Sprint's Motion to Dismiss.

intrastate claims will be dismissed from the Louisiana federal court case. Dismissal of those claims from that forum will have the effect of mooted many of Sprint's arguments for dismissal of this Missouri complaint, which will in turn significantly narrow the scope of the response that CenturyLink and the Staff will have to provide, and will significantly narrow and simplify the arguments that the Commission will have to consider in ruling on Sprint's motion.

5. Accordingly, CenturyLink requests an extension of the deadline for filing a response to Sprint's motion no later than ten (10) days after the Louisiana federal court issues a ruling on CenturyLink's motion to amend its federal complaint to dismiss its intrastate claims.<sup>5</sup> In addition, CenturyLink requests that the deadline for Staff to file a response to the complaint and to Sprint's motion be extended by 24 days from the date that CenturyLink files its response to Sprint's motion (extended by the same timeframe that the Commission provided Staff in the May 6 order). This will ensure that when CenturyLink and Staff's responses are filed, the procedural status of CenturyLink's Missouri-specific claim against Sprint in the Louisiana federal court case will be resolved.

6. Counsel for CenturyLink has discussed this request for extension with counsel for Commission Staff and with counsel for Sprint. The respective counsel for both parties have authorized CenturyLink to represent that Staff and Sprint do not object to CenturyLink's motion to extend the deadline for its response to Sprint's motion to dismiss until ten (10) days after the Louisiana federal court rules on CenturyLink's motion to amend its federal complaint to dismiss its intrastate claims and Sprint's responsive pleadings to that motion. In addition, because of the

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<sup>5</sup> The Louisiana federal court provides electronic same-day service of its orders, and counsel for both CenturyLink and Sprint in that proceeding can readily forward an order to their counterpart counsel in this proceeding. CenturyLink commits to filing a notice in this proceeding when the Louisiana federal court rules on CenturyLink's request for dismissal of its intrastate claims.

impending deadline for CenturyLink's response to Sprint's motion to dismiss, CenturyLink requests an expedited ruling on this motion.

WHEREFORE, based on the foregoing, CenturyLink respectfully requests that the Commission rule on an expedited basis to:

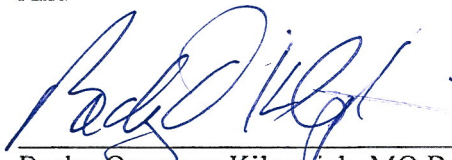
1. grant CenturyLink's motion to extend the deadline for its response to Sprint's Motion to Dismiss until ten days after the Louisiana federal court rules on CenturyLink's motion to amend its federal complaint to dismiss its intrastate claims and Sprint's responsive pleadings to that motion;
2. extend the deadline for Staff to respond to CenturyLink's complaint and Sprint's motion until 24 days following CenturyLink's response to Sprint's Motion to Dismiss; and
3. grant such other and further relief to which CenturyLink is justly entitled.

Respectfully submitted,



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**ATTORNEYS FOR CENTURYTEL OF  
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## CERTIFICATE OF SERVICE

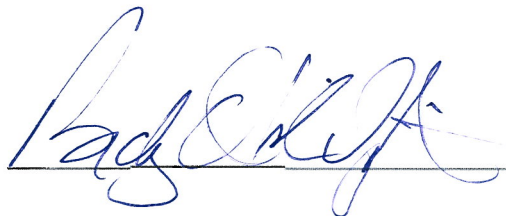
I hereby certify that a true and correct copy of the foregoing Petition was served by U.S. Mail, facsimile, hand-delivery, or electronic mail, on May 7, 2014 to the following:

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A handwritten signature in blue ink, appearing to read "Diane C. Browning", is written over a horizontal line.