

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

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

**RESPONSE TO SOCKET TELECOM'S WITHDRAWAL
OF MOTION TO REOPEN RECORD AND
NOTICE OF CENTURYTEL'S ADMISSION OF ADDITIONAL FACTS**

COME NOW CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively "Respondents"), pursuant to 4 CSR 240-2.080 (15), and for their Response to *Socket Telecom's Withdrawal Of Motion To Reopen Record And Notice of CenturyTel's Admission of Additional Facts* filed on November 1, 2007, respectfully state as follows:

1. Enough is enough already. The record in this case was closed upon the simultaneous submission of briefs on September 10, 2007 pursuant to Commission order and the Commission's own rules, specifically, 4 CSR 240-2.110(8), 4 CSR 240-2.130(17), and 4 CSR 240-2.150(1). Even with its latest withdrawal of its October 17, 2007 *Motion To Reopen Record And Admit Affidavit*, Socket inappropriately continues to try to bolster its case by attempting to supplement the closed record. As noted previously by Respondents, the Commission should and must follow its own rules and disregard all of Complainant Socket's attempts, including its latest, to supplement the record. Socket

should not be allowed to continue to burden the Commission and Respondents with never-ending attempts to supplement its case through disingenuous post-brief pleadings and here today/gone tomorrow witness Kohly's post-hearing affidavits.

2. Respondents deny the materiality of the contents of any of Socket's post-briefing submissions. None of the material submitted post-briefs, by either party,¹ are necessary for the Commission to issue its ultimate decision in this proceeding and none of this extra-record material is in any way dispositive, especially as to somehow require a Commission decision in favor of Complainant Socket.

3. Respondents further deny Socket's so-called post-brief "admissions" on the part of Respondents. The two cases cited by Socket are not applicable to complaint proceedings before the Commission and in any event are not on point with respect to the specific circumstances here presented. Attempted application here of these cases also would violate clearly applicable Commission rules and complaint case procedures.

WHEREFORE, for all the reasons stated above, the Commission should deny all of Socket's attempted post-hearing submissions, and strike and otherwise ignore Socket's purported "updated evidence", including Socket's alleged and so-called evidentiary "judicial admissions" it claims have been made by Respondents.

¹ Socket's myriad post-brief submissions necessarily have put Respondents in the untenable position of either remaining silent on Socket's erroneous and factually incomplete allegations or filing responses to challenge such allegations. Out of necessity, Respondents have been forced into the latter but have never suggested that *anything* submitted after close of the record should supplement the evidentiary record. While Respondents firmly believe that the Commission should not and cannot lawfully consider the post-brief material submitted, to the extent the Commission somehow believes it should consider such extra record material the Commission necessarily also should consider the contrary and more factually complete information submitted by Respondents.

Respectfully submitted,

/s/ Charles Brent Stewart

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by electronic mail or mailed, First Class postage prepaid, to the attorneys of all parties of record in Case No. TC-2007-0341 on the 7th day of November 2007.

/s/ Charles Brent Stewart
