

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

FullTel, Inc.	)	
	)	
Complainant,	)	
	)	
v.	)	<b>Case No. TC-2006-0068</b>
	)	
CenturyTel of Missouri, LLC,	)	
	)	
Respondent.	)	

**REPLY OF CENTURYTEL OF MISSOURI, LLC  
TO FULLTEL'S RESPONSE TO ORDER DIRECTING FILING**

COMES NOW CenturyTel of Missouri, LLC (“CenturyTel” or “Respondent”), pursuant to 4 CSR 240-2.080(15), and for its Reply to FullTel, Inc.’s Reponse to Order Directing Filing respectfully states as follows:

1. CenturyTel does not object to FullTel’s Motion For Leave To File Response To Order Directing Filing One Day Out Of Time, whereas FullTel was not able to comply with the expeditious and shortened time-frame provided by the Commission’s August 12, 2005 Order Directing Filing.<sup>1</sup>

2. CenturyTel respectfully submits that FullTel’s pleading is not responsive to the Commission’s directive, and CenturyTel objects to FullTel’s statement that CenturyTel claims no prejudice if the expedited process remains in place

3. As CenturyTel stated in its Response and Motion for Reconsideration, FullTel took no action for over forty (40) days after receiving CenturyTel’s June 23<sup>rd</sup> detailed correspondence and offer to discuss a proposed amendment “or any other aspect

---

<sup>1</sup> “FullTel conscientiously tried to have its response filed by the Commission’s 4:00 p.m. deadline on August 16, 2005 but was unable to do so because additional time after the 4:00 p.m. deadline was unavoidably required to finalize the filing.” Motion, page 1.

of this matter.” The point is not that FullTel chose to ignore the opportunity for further discussions of the issues and filed a complaint. Rather, FullTel delayed taking **any** action (including the filing of a complaint) for that extended period of time, and now demands that the Commission must throw out its procedural rules in order to avoid purported economic harm of which FullTel now complains. As CenturyTel specifically stated in its Response and Motion for Reconsideration, “[f]or Complainant to now suggest that this Commission must discard its own procedural rules, all to the detriment and **prejudice** of Respondent, is unjust and unreasonable. There are substantive factual and legal issues that will need to be addressed, should this Complaint ultimately be allowed to proceed, and there is no basis for ‘expediting’ the process.” In its Response, FullTel does not dispute that there are substantive factual and legal issues that will need to be addressed in this matter. However, rather than “utilize the Commission’s able assistance in accordance with the law,” FullTel hopes to rush this matter through this agency, with little or no time for the Commission to address and resolve the important policy and legal issues contained herein. Not only will CenturyTel be prejudiced by not having sufficient time to prepare and file appropriate motions to dismiss and/or to strike, as well as its answer raising all grounds of defense, both of law and of fact, CenturyTel, the Staff and the Commission will be prejudiced if all are required to conform to the totally unrealistic time-frame suggested for hearings and a Commission determination in this matter. CenturyTel does not seek to unduly delay this matter, and is prepared to address such scheduling issues at the Prehearing Conference now set for August 29, 2005.

WHEREFORE, Respondent CenturyTel of Missouri, LLC respectfully requests that the Commission (1) deny Complainant's Motion for Expedited Treatment and the specific relief requested therein, and (2) reconsider and amend its Order Granting Motion for Expedited Treatment issued on August 10, 2005, by denying Complainant's motion and the relief requested therein.

Respectfully submitted,

*/s/ Larry W. Dority*

Larry W. Dority, MoBar #25617  
Fischer & Dority, P.C.  
101 Madison Street, Suite 400  
Jefferson City, MO 65109  
(573) 636-6758 (voice)  
(573) 636-0383 (facsimile)  
[lwdority@sprintmail.com](mailto:lwdority@sprintmail.com)

Attorneys for  
CenturyTel of Missouri, LLC

## CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)), the Office of Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)), and counsel for FullTel, Inc. (at [comleym@ncrpc.com](mailto:comleym@ncrpc.com) & [Andrew.Klein@DLAPiper.com](mailto:Andrew.Klein@DLAPiper.com)), on this 17th day of August 2005.

*/s/ Larry W. Dority*