

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

**PETITION OF SOCKET TELECOM, LLC FOR )  
COMPULSORY ARBITRATION OF )  
INTERCONNECTION AGREEMENTS WITH )  
CENTURYTEL OF MISSOURI, LLC AND )  
SPECTRA COMMUNICATIONS GROUP, LLC ) CASE NO. TO-2006-0299  
PURSUANT TO SECTION 252(b)(1) OF THE )  
TELECOMMUNICATIONS ACT OF 1996 )**

**CENTURYTEL'S RESPONSE TO SOCKET'S  
BRIEF ON JURISDICTION**

COME NOW Spectra Communications Group, LLC, and CenturyTel of Missouri, LLC (collectively, "CenturyTel"), and pursuant to Commission Rule 4 CSR 240-2.080(15), file their Response to Socket's Brief on Jurisdiction, and respectfully state as follows:

This afternoon, Socket filed what it styled a "Brief in Support of Motion for Reconsideration." That filing, however, does not support Socket's Motion for Reconsideration—either procedurally or substantively—and speaks strictly to matters irrelevant to the remaining tasks before the Commission in this proceeding.

Instead, supplementing its earlier filings on the topic, Socket has now tilted, over a span of some six pages of text, against a windmill that CenturyTel has not spun: the question of whether this Commission has "jurisdiction" over Socket's "Motion for Reconsideration." Once again, to be clear, *CenturyTel has made no argument* in response to Socket's "Motion for Reconsideration" based upon "jurisdiction." The Commission derives its jurisdiction over the process of arbitrating and judging the contents of an interconnection agreement through Sections 251 and 252 of the Telecommunications Act of 1996 (the "FTA"). The Commission, under that authority and the authority granted it by the Missouri Legislature, has adopted rules and procedures for the processing of such proceedings. For purposes of this case, the Commission

adopted its Chapter 36 rules. The Commission can follow, should follow, and is following its Chapter 36 rules. The Commission would also be following its rules in rejecting the unauthorized "Motion for Reconsideration." Indeed, to grant Socket's unauthorized motion would require the Commission to deviate from its rules.

The Commission has completed the process set forth in 4 CSR 240-36.040 to which the "Motion for Reconsideration" is directed. Section 36.040 does not contemplate a motion for reconsideration, most likely because the Commission has decided, subject to the parties' agreement otherwise, to respect the terms of Section 252(b)(4), which limit the time for a state commission to decide an FTA arbitration to nine months. To do otherwise would require the Commission to decide the Section 252(b)(4) questions early, leaving time for "reconsideration" within the nine-month window. Moreover, while Chapter 36 affords Socket no relief, even the Commission's more general procedural rules, to the extent applicable, envision motions for reconsideration of only procedural and interlocutory orders, not final substantive arbitration decisions. Rule 4 CSR 240-2.160(2). There is no Commission rule authorizing the Socket "Motion for Reconsideration."

The Commission has now completed the process contemplated under Section 252(b)(4) and Commission Rule 4 CSR 240-36.040, and moved to the procedures of Commission Rule 240-36.050 for the process of conforming, evaluating, and approving the ICA to be put in place between Socket and CenturyTel. Disputes, if any, about the conforming language are to be taken up in the context of proceedings under Commission Rule 4 CSR 240-36.050.

While the Commission's procedures do not provide for Socket's Motion for Reconsideration, that clear conclusion has *nothing* to do with the scope of the Commission's "jurisdiction" under the FTA. CenturyTel has never suggested otherwise. Yet Socket would portray the fantasy that CenturyTel has challenged the Commission's jurisdiction, hoping against

hope to inflame the Commission into disregarding its own procedures (and the procedures set out in the FTA) and striking out on a path of *ad hoc* decision making. Socket's characterization of the question presented as some sort of CenturyTel challenge to the Commission's authority to act as a jurisdictional matter is simply misdirected and misleading.

For the reasons set forth above, the Commission should deny Socket's motion in all respects.

Respectfully submitted,

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**ATTORNEYS FOR CENTURYTEL OF  
MISSOURI, LLC AND SPECTRA  
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**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), the Office of the Public Counsel at (opcservice@ded.mo.gov), and counsel for Socket Telecom, LLC at (clumley@lawfirmemail.com; lcurtis@lawfirmemail.com; and b.magness@phonelaw.com) on this 26th day of July 2006.

/s/ Larry W. Dority \_\_\_\_\_

Larry Dority