

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

MCImetro Access Transmission Services, LLC,)	
Brooks Fiber Communications of Missouri, Inc., and)	
Intermedia Communications, Inc.)	
)	
Complainants,)	
)	
v.)	<u>Case No. LC-2005-0080</u>
)	
CenturyTel of Missouri, LLC,)	
)	
Respondent.)	

**CENTURYTEL OF MISSOURI, LLC'S
MOTION TO DISMISS, ANSWER AND AFFIRMATIVE DEFENSES
TO AMENDED COMPLAINT**

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to Commission Rule 4 CSR 240-2.070 and the Commission's *Order Further Modifying Procedural Schedule* issued on February 1, 2005, and for its Motion to Dismiss, Answer and Affirmative Defenses to the Amended Complaint To Enforce Interconnection Agreements filed by MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc. and Intermedia Communications, Inc. (collectively "MCI"), respectfully states as follows:

1. On January 12, 2005, MCI filed a motion requesting leave to file an amended complaint. The proposed amended complaint was filed at the same time. The motion explained that since the initial complaint was filed on September 20, 2004, Intermedia Communications has been merged into MCImetro. The motion asked leave to file an amended complaint "to address

this subsequent development.” MCI also stated that in its Amended Complaint, “MCI corrects some minor typographical errors and makes some adjustments to reflect the pleading is an amended complaint rather than the original filing.”¹

2. CenturyTel did not oppose MCI’s motion and, on January 25, 2005, the Commission issued its *Order Granting Leave To File Amended Complaint*. In addition, by its *Order Further Modifying Procedural Schedule* issued in this matter on February 1, 2005, the Commission modified the procedural schedule herein to provide that the Answer to Amended Complaint be filed by CenturyTel on or before February 22, 2005.

3. Accordingly, CenturyTel hereby adopts and incorporates by reference, as if fully set forth herein, its Motion to Dismiss, Answer and Affirmative Defenses previously filed in this matter on November 4, 2004, as its Motion to Dismiss, Answer and Affirmative Defenses to the Amended Complaint. In addition, CenturyTel acknowledges that the Commission issued its *Order Approving Merger and Canceling Certificate and Tariff* in Case No. TM-2005-0129, on January 4, 2005, wherein the Commission finds that “Intermedia has no customers in Missouri, so the merger will have no customer impact. Staff filed its recommendation regarding the application on December 1. Staff confirms that Intermedia has no Missouri customers, so the merger will have no customer impact.”²

¹ Motion For Leave To File Amended Complaint To Enforce Interconnection Agreements, page 1.

² *Order Approving Merger and Canceling Certificate and Tariff*, page 1.

WHEREFORE, having fully answered, CenturtyTel of Missouri, LLC respectfully requests the Commission to enter an Order dismissing Complainants' Amended Complaint to Enforce Interconnection Agreements.

Respectfully submitted,

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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 e-mail or mailed, First Class, postage prepaid, this 22nd day of February, 2005, to:

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