

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

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

**SOCKET’S RESPONSE TO MITG’S APPLICATION FOR LEAVE TO FILE  
AMICUS BRIEF**

COMES NOW Socket Telecom, LLC (Socket), pursuant to 4 CSR 240-2.080(15), and for its Response to the Application for Leave to File a Brief as Amicus Curiae submitted by Missouri Independent Telephone Company Group (“MITG”) states to the Commission as follows:

1. The Commission should either deny MITG’s Application as premature or withhold ruling until such time as MITG provides a copy of its proposed brief in accordance with the case schedule. MITG should not be granted leave to submit whatever type of brief it wants, but rather should have any request to submit a non-party brief examined in light of the specific content of its proposed briefing. Rule 4 CSR 240-2.075(6) contemplates that briefs be submitted with such applications. Given that this case is a discrete dispute between two parties, the Commission should not even entertain an application for submission of a non-party brief without being able to examine the

content of the proposed brief and the parties' positions regarding the propriety of submittal of such specific information by a non-party.

2. At least at this time, when MITG presents nothing more than an abstract request, denial of the request would be most appropriate. This case presents a dispute between Socket and CenturyTel. The results will not bind MITG or any other non-party, whether or not they submit a non-party brief. Socket is not certificated to provide basic local exchange service in MITG exchanges, is not tariffed to offer service in MITG exchanges and certainly does not operate in MITG exchanges, so the case cannot have any operational impacts on MITG either. Based on the Commission's findings in Case No. TA-2007-0093, the rural carriers that make up the MITG do not face any facilities-based local competition, from Socket or any other CLEC. Hence, MITG has nothing at stake in this proceeding. In the event Socket elected to provide service in MITG exchanges, MITG companies would certainly have avenues open to advocate their positions on these issues such as the certification process, the tariffing process, as well as the process of negotiating and, if necessary, arbitrating an interconnection arrangement.

3. It appears that MITG seeks to use this case to re-litigate positions it has taken in other proceedings regarding interexchange traffic and, perhaps, MCA traffic.<sup>1</sup> The Commission should not allow MITG to hijack this case in such a manner, particularly because this case involves a customer-affecting dispute between competitors.

WHEREFORE, the Commission should deny MITG's Application.

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<sup>1</sup> MITG companies' views on such issues were just rejected by the 8<sup>th</sup> Circuit Court of Appeals in *Alma Communications v. MoPSC*, No. 06-2401 (June 11, 2007).

Respectfully submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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### **Certificate of Service**

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 13th day of June, 2007, by email or by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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