

**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 TELECOM’S RESPONSE TO CENTURYTEL’S MOTION  
REGARDING PROCEDURAL SCHEDULE**

COMES NOW Socket Telecom, LLC (“Socket”) pursuant to 4 CSR 240-2.080 and submits its Response to CenturyTel’s Motion Regarding Procedural Schedule.

CenturyTel’s latest effort to obstruct this proceeding is in essence a nullity. It reargues pending motions that have not yet been ruled upon and, therefore, places unnecessary burdens upon the Commission and the other parties. The Commission should deny it immediately and prohibit CenturyTel from making further filings regarding these pending motions (and disregard anything filed by CenturyTel in the meantime).

1. At a high level, the issue in this case concerns CenturyTel’s failure to provide number porting under certain circumstances in violation of federal law and the parties’ interconnection agreements. Mischaracterizing the subject of the case as “the sole issue” or “the threshold issue” provides no assistance to the Commission. It is CenturyTel that has presented various objections to providing the requested porting, thereby presenting various other issues that presumably must be resolved unless it now intends to abandon

them. If it in fact wants to abandon its objections, then the sole issue would be whether federal law prohibits it from providing the ports at issue. Yet CenturyTel has raised no such issue. It admits it could provide the ports, but asserts it does not have to do so. (See, e.g. Kohly Direct, p. 19-20).

2. Socket and Staff filed testimony responding to the testimony previously submitted by CenturyTel. Socket and Staff have not broadened the issues by their testimony beyond the issues presented in Socket's direct testimony and CenturyTel's rebuttal. Further, all the matters at issue in this case have been the subject of prior dispute resolution discussions between the parties (but interestingly, since all these issues concern CenturyTel's objections to the requested number ports, if anyone would be estopped from raising these issues due to a purported failure to discuss them in informal dispute resolution, it would be CenturyTel). This case is the proper method for resolving this dispute between the two companies.

The testimony has been filed and the hearing date approaches. CenturyTel's fear of the hearing room is palpable and understandable, given its baseless positions. But filing another motion asking the Commission to rule on pending motions that have only just been filed is moot. The Commission has already expedited consideration of the pending motions.<sup>1</sup>

3. CenturyTel rehashes the arguments it has made in the other pending motions. Socket has fully responded to these arguments and will not repeat itself. Socket incorporates by reference its responses to CenturyTel's motion to dismiss and motion for

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<sup>1</sup> Given CenturyTel's game plan of holding back on the filing of procedural motions until the last minute and then demanding expedited treatment, its description of the procedural schedule for this case as a "sprint" (motion, p. 12) is ridiculous. Certainly the customers who have been waiting for service deserve better than CenturyTel's total disdain (motion, p. 13).

summary determination. Suffice it to say that CenturyTel continues its practice of making arguments that equate to a demand that the Commission rule in its favor because CenturyTel says so. But calling something a location port does not make it so.<sup>2</sup> Socket has demonstrated that it is not seeking location portability.

4. CenturyTel's assertion that Socket has not cited authorities in its favor is patently false as shown by Socket's prior responses and testimony, which include detailed discussions of the FCC's rules and decisions.

5. The Commission can and should resolve this case so that Socket's customers can be freed from bondage to CenturyTel. Every case in every forum has the prospect of having some impact on future cases, but the results are not binding on other carriers involved in other disputes. This case presents issues to be resolved between Socket and CenturyTel. The parties' interconnection agreement sets standards based on industry practices, so consideration of such practices is inescapable.<sup>3</sup>

6. The assertion that Socket and Staff have improperly broadened the scope of the case is ludicrous. All the issues listed on page 11 of CenturyTel's latest motion arise from the objections CenturyTel has raised in opposition to providing simple number ports.

7. Socket is not going to address the multitude of false statements in CenturyTel's motion, as such a detailed response is precluded by the limited time

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<sup>2</sup> In typical fashion, CenturyTel glosses over the content of the Intermodal Order at page 6, text at note 10. In fact, the portion of the Intermodal Order cited by CenturyTel confirms that there is not a change in location if the original rate center designation is maintained after the port.

<sup>3</sup> CenturyTel's reference to testimony from an arbitration case in Pennsylvania is unlawful and should be stricken. Reference to purported testimony from some other proceeding in another state is not permissible, particularly in the context of a procedural motion. Moreover, it is apparent that the issues discussed in the testimony are the very issues that the Commission ruled against CenturyTel in the recent arbitration (TO-2006-0299), so CenturyTel is violating the principle of res judicata by trying to raise them again. (Kohly Surrebuttal, p. 21-22).

afforded for this response and would in any event be pointless. Socket disputes all contentions of the motion absent express admission herein or in other materials.

WHEREFORE, the Commission should deny CenturyTel's duplicative Motion Regarding Procedural Schedule and prohibit CenturyTel from making additional filings regarding pending motions.

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 28th 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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