

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

An Investigation of the Fiscal and	)	
Operational Reliability of Cass County	)	
Telephone Company and New Florence	)	Case No. TO-2005-0237
Telephone Company, and Related	)	
Matters of Illegal Activity	)	

**MOTION FOR RECONSIDERATION OF APRIL 1, 2005 ORDER  
REGARDING COMPLIANCE WITH SUBPOENAS**

Local Exchange Company, L.L.C. ("LEC") respectfully requests the Commission to reconsider its April 1, 2005 Order ("Order") that, among other things, extended to April 20, 2005 the "deadline for production of documents" sought pursuant to subpoenas previously issued to LEC. LEC has filed a motion to quash the subpoenas. In accordance with Commission rules, no document production can be required until LEC's motion to quash the subpoenas has been finally determined. By setting a compliance "deadline," the Order requires document production even though no action has been taken on the motion to quash. LEC believes the deficiency within the Order can be eliminated by amending the Order to delete its Paragraph 1.

1. On March 7, 2005, the Commission issued two subpoenas *duces tecum* to LEC. On March 17, 2005, in accordance with 4 CSR 240-2.100(3), LEC filed its motion to quash the subpoenas. Commission staff did not timely respond to the motion to quash. *See* 4 CSR 240.2.080(15) (responses are allowed not more than ten days after the filing of a pleading). Accordingly, the motion is unopposed. Nevertheless, on April 1, 2005, the Commission issued the Order which extended the deadline for compliance to April 20, 2005. *See* Order at ¶ 1.

2. Commission Rule 4 CSR 240-2.100 establishes procedures related to subpoenas. Those procedures require that a motion to quash be "determined by the Commission" before any compliance with the subpoena is required. 4 CSR 240-2.100(5). The Order sets out a compliance date, even though LEC's motion to quash has not been decided.

3. LEC believes that Paragraph 1 of the Order should be withdrawn and that proceedings on LEC's motion to quash should be held in the ordinary course and as contemplated by Commission rules.

WHEREFORE, on the basis of the foregoing, Local Exchange Company, L.L.C. respectfully requests that the Commission reconsider its Order of April 1, 2005 and amend the Order as suggested by this motion.

Respectfully submitted,

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ATTORNEYS FOR LOCAL EXCHANGE  
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### **CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing was served via e-mail on this 6th day of April, 2005  
upon:

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