

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

CenturyTel of Missouri, LLC, et al	)	
	)	
Complainants,	)	Case No. IC-2008-0068
	)	
vs.	)	
	)	
Socket Telecom, LLC	)	
	)	
Respondent.	)	

**SOCKET TELECOM’S RESPONSE TO CENTURYTEL’S JOINT REPLY ON  
MOTIONS FOR SUMMARY JUDGMENT**

Comes Now Socket Telecom, LLC (“Socket”) pursuant to 4 CSR 240-2.080(15) and states to the Commission<sup>1</sup>:

1. In what can only be classified as taking a tangent too far for its own good, CenturyTel’s has now twisted its purported explanation of its refusal to accept Socket’s proposal (to change the compensation regime from reciprocal compensation to bill-and-keep in the final version of the Agreement prior to submittal to the Commission for approval), so far that now it has directly contradicted the Commission’s Final Decision in the arbitration. At page 4 (and similarly in footnote 3 on page 2) of its Joint Reply, CenturyTel falsely states: “The Commission acknowledged the difference between VNXX and FX Traffic – deeming VNXX Traffic to be “local” and subjecting it to bill and keep, while determining FX Traffic to be “non-local”...” To the contrary, the Commission ruled that FX and VNXX traffic would be “deemed” (i.e. treated as) not

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<sup>1</sup> Socket confesses that it is not sure whether it is responding to a reply or replying to a response from CenturyTel. Either way, Socket has kept this pleading as brief as possible, with the exception of including this footnote.

being Local Traffic, but rather would be subject to bill-and-keep.<sup>2</sup> Socket does not assert that FX and VNXX are totally synonymous in all respects, nor does it matter that FX and VNXX are defined differently in the Agreement. Both FX and VNXX meet the provisions of Section 9.2.3 of Article V, because both involve the requisite NXX code assignment (which CenturyTel admits at page 3 of its Joint Reply).<sup>3</sup> Hence, both are subject to bill-and-keep, unlike Local Traffic which is subject to reciprocal compensation (because CenturyTel refused to change the Agreement before submitting it to the Commission).

2. CenturyTel's story not only does not hold together – it is directly contradicted by the Commission's arbitration decision. It should now be plain that this story is an after-the-fact concoction intended to obscure the truth – that CenturyTel wanted the agreement to read as it was submitted for approval, that at the time CenturyTel wanted a reciprocal compensation regime, and that CenturyTel now regrets that decision and wants to “take it all back” instead of paying Socket.

WHEREFORE, for all the reasons stated in Socket's various summary judgment pleadings, Socket Telecom moves the Commission as expeditiously as possible to: 1) deny CenturyTel's Motion for Summary Determination; 2) grant Socket's Motion for Summary Determination; and 3) grant such other and further relief to Socket as the Commission deems just and proper in the premises.

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<sup>2</sup> Final Commission Decision, TO-2006-0299, p. 27-29, see also Interconnection Agreement, Article II, Section 1.46 and 1.131, and Article V, Section 9.2.3.

<sup>3</sup> CenturyTel states: “It [FX] is similar to a VNXX service to the extent it permits a customer living in a distant exchange to obtain a telephone number associated with a different local calling area.”

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 12th day of March, 2008, by email or by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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