

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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

**SOCKET TELECOM’S REPLY TO CENTURYTEL’S RESPONSE TO AND MOTION
TO STRIKE SOCKET’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

COMES NOW Socket Telecom, LLC, pursuant to 4 CSR 240-2.080(15) and other applicable authority and for its Reply to CenturyTel’s Response to, and Motion to Strike, Socket’s Motion for Leave to File Supplemental Brief, states to the Commission:

1. Notwithstanding CenturyTel’s feigned indignation, Socket has no qualms about its continuing efforts to inform the Commission of relevant events that have occurred since the conclusion of the hearings in this important matter.¹ Socket has not acted to “repair” any aspect of its case, as CenturyTel alleges, for no such “repair” is necessary. Socket is confident that it should prevail based on the facts and law presented in its post-hearing brief. But that does not eliminate Socket’s obligation to keep the Commission informed of new developments. Socket and its counsel will continue to try to fulfill that duty to the best of their abilities.

¹ Advising the decision-maker of subsequent developments is routine. See, e.g., Federal Rules of Appellate Procedure, Rule 28(j). Socket does not believe that the absence of a Commission rule specifically addressing this point of procedure can or should function (or has functioned) as a bar to parties informing the Commission of new developments.

2. CenturyTel continually complains that it cannot stand silently by while Socket informs the Commission of new developments, yet fails to demonstrate in any way that Socket has not accurately updated the Commission. Instead, CenturyTel improperly strives to keep the Commission in the dark and, even worse, mislead it.

3. CenturyTel suggests that the Commission should keep itself informed of pertinent new developments. That is not how the process works. The parties are responsible to inform the Commission, so that it can make an informed decision. If applicable legal authorities, new or otherwise, truly could “speak for themselves” as CenturyTel contends, parties would simply file lists of citations. Again, that is not how the process works – parties routinely submit briefs to explain the significance of the applicable authorities.² And while Staff is certainly free to update the Commission, it is not reasonable to expect Staff to follow developments outside Missouri as closely as parties with direct interests in matters before the Commission.³

4. Socket’s Supplemental Brief fully addresses the significance of the FCC’s most recent decision. Likewise, Socket has previously addressed CenturyTel’s regurgitated contentions. Regarding CenturyTel’s assertion that Socket has not identified the pertinent provisions of the FCC’s *Interconnected VOIP LNP* decision, Socket submits that the falsity of this contention is made evident from the contents of Socket’s Supplemental Brief.⁴ Hence, Socket will not burden

² In contrast, CenturyTel refrains from explaining unidentified developments in other states (CenturyTel Response, note 3), because an examination and discussion of such matters would show that they are not germane. Specifically, in its *Interconnected VOIP LNP* decision (para. 4, 5, 14), the FCC reiterated its prior rulings that disputes over transport compensation have no bearing on LNP obligations.

³ No conclusion can be drawn from the absence of a Staff filing – other than that given the information submitted by Socket, Staff has to date decided not to file anything substantive since its proposed decision.

⁴ In fact, the items specifically referenced by Socket include the provision quoted by CenturyTel on page 5 of its Response (see Socket Supplemental Brief, p. 3), which demonstrates yet again that the FCC holds that there is no pertinent change in location when rate center assignment remains constant.

the Commission with repetitive arguments. Socket continues to move the Commission to grant it leave to file its Supplemental Brief.

WHEREFORE, Socket Telecom requests that the Commission grant it leave to file the previously proffered Supplemental Brief and further proceed to grant Socket the relief it has sought in this proceeding.

Respectfully submitted,

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

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was emailed to the parties listed below on this 5th day of December, 2007.

/s/ Carl J. Lumley

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