

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

Complaint of FullTel, Inc., for Enforcement)	
Of Interconnection Obligations of CenturyTel)	
of Missouri, LLC)	
)	
FullTel, Inc.)	
Complainant)	
)	Case No. TC-2006-0068
v.)	
)	
CenturyTel of Missouri, LLC,)	
)	
Respondent)	

PETITION FOR SECOND PREHEARING CONFERENCE
PURSUANT TO ORDER GRANTING EXPEDITED TREATMENT

Comes now FullTel, Inc. (FullTel) by and through counsel, and pursuant to 4 CSR 240-2.090(4) respectfully moves the Commission to set this matter for a second or supplementary prehearing conference. In support, FullTel submits the following:

1. On August 8, 2005 FullTel filed a complaint against CenturyTel of Missouri, LLC, highlighting CenturyTel's breach of an interconnection agreement between the two companies. FullTel requested expedited treatment of its complaint and that relief was granted by the Commission on August 10, 2005. As FullTel reported to the Commission in its Response to Order Directing Filing on August 17, 2005 it will suffer very specific economic harm if speed is not utilized in resolving the complaint. CenturyTel is therefore aware that delay in the resolution of this critical matter will cause FullTel to lose its major customer and force it to reconsider its plans to compete against CenturyTel in Southwestern Missouri.

2. In an effort to avoid the expense of hearing and otherwise accelerate the disposition of this matter, FullTel and CenturyTel proposed to submit a statement of fact to the Commission. The regulatory law judge accepted this joint proposal. The Commission acknowledged the filing of those pleadings and affidavits in its December 27, 2005 Order Setting Evidentiary Hearing (the Hearing Order). The Commission stated in the Hearing Order that it is unable to resolve this matter on the pleadings and that a hearing would therefore be scheduled to determine the precise nature of FullTel's requested interconnection with CenturyTel. The Commission set the hearing for March 10, 2006.

3. FullTel appreciates the Commission's assistance in addressing the subject matter of the complaint. Both parties have made, for the most part, earnest efforts to avoid the necessity of a hearing on what are truly uncontested facts. FullTel must, however, request that the Commission consider whether the setting of a hearing so far into the future (March 10, 2006) is consistent with the urgency upon which the Commission ordered expedited treatment, or with the Order that granted such treatment.

4. Counsel for FullTel have tried, unsuccessfully, to address the subject matter of this application with counsel for CenturyTel. On January 6, 2006, the undersigned counsel and Mr. Andy Klein, collectively the attorneys for FullTel, engaged in a conference call with Mr. Larry Dority and Mr. Cal Simshaw, attorneys and representatives for CenturyTel and asked for their consent to jointly contact the regulatory law judge for this matter with the goal of determining the quickest way, short of a hearing, to supply or clarify any factual information that the Commission may need before reaching a decision. CenturyTel refused to provide such consent, and this motion was filed in consequence.

5. FullTel has attempted to provide to the Commission, through the affidavits and pleadings filed to date, sufficient facts upon which it could find that CenturyTel must interconnect with FullTel. If it were to appear at a contested hearing in this matter, FullTel's factual presentation would vary little from what has already been supplied to the Commission.

6. FullTel believes that a conference with the regulatory law judge and Commission would assist FullTel in understanding the specific areas in which the Commission may need additional information, or perhaps even a simple clarification. The conference will also assist FullTel in identifying witnesses that will provide that information as soon as reasonably possible.

7. Similarly, the pretrial conference would be beneficial in determining if additional documents, discovery or affidavits from FullTel, CenturyTel, or both, would complete the record to the Commission's satisfaction. If the record could be complemented by documentation, deposition, interrogatory or sworn affidavits, the hearing could be dispensed with and a decision rendered with the celerity first anticipated and in accordance with the Order Granting Expedited Treatment.

8. Finally, should it be determined that a hearing is absolutely necessary, the pretrial conference could be utilized to determine if there are dates on the Commission's calendar that would accommodate the brief hearing in this matter much earlier than the March 10th date established in the Hearing Order.

9. The pretrial conference should be scheduled as soon as possible during this week, not later than Thursday, January 12, 2006. CenturyTel is already aware of FullTel's reasons for this motion and its time to respond to the motion should be truncated, lest the rules of the Commission be used to further delay the expedient disposition of this matter.

10. As FullTel has detailed in previous pleadings in this case, CenturyTel's actions are designed to force, and have actually caused, inordinate delay. Delay in the decision herein not only affects FullTel but also the extent of competition in a part of the state where such competition is truly lacking. There is no justification for delaying a face-to-face communication between Complainant and the Commission about the issues to be addressed at any hearing in this matter, or the manner in which any necessary information or clarification can be supplied to the Commission short of a hearing.

WHEREFORE, on the basis of the above and foregoing, FullTel requests that the Commission schedule a second prehearing conference in this matter not later than January 12, 2006, further directing that any response by CenturyTel be filed before that date in the interest of expediting this matter as originally ordered.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley #28847
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102
Tel. (573) 634-2266
Fax (573) 636-3306
comleym@ncrpc.com

Andrew M. Klein¹
DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street, NW
Washington, DC 20036-2412
(202) 861-3827
(202) 689-8435 (fax)
Andrew.Klein@DLAPiper.com
Attorneys for FullTel, Inc.

¹ Admitted to practice in New York, New Jersey and the District of Columbia; not admitted in Missouri.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 10th day of January, 2006, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; and to Larry W. Dority at lwdority@sprintmail.com.

/s/ Mark W. Comley