

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of CenturyTel of Missouri, LLC)	
d/b/a CenturyTel and Spectra Communications)	Case No. TC-2007-0307
Group, LLC d/b/a CenturyTel Tariff Filings to)	
Grandfather Remote Call Forward Services)	Tariff Nos. JI-2007-0498
To Existing Customers and Existing Locations)	JI-2007-0499

RESPONSE TO CENTURYTEL'S APPLICATION FOR REHEARING

COME NOW Socket Telecom, LLC, and Socket Internet pursuant to 4 CSR 240-2.080(15) and other applicable authority and for their Response to CenturyTel's Application for Rehearing state to the Commission:

1. Consistent with its routine practices, the Commission should deny CenturyTel's Application for Rehearing, because it merely reargues its previously advocated positions which have already been thoroughly considered by the Commission. CenturyTel offers no affirmative statement or demonstration of the existence of any alleged evidence that would be offered in a subsequent proceeding to rebut the current findings of fact and conclusions of law made by the Commission. CenturyTel fails to meet its burden to show by clear and satisfactory evidence that the Commission's Report and Order in this matter is unjust, unreasonable, or unlawful. See Section 386.430. Consequently, the Commission should deny the application for rehearing.

2. CenturyTel waived hearing in this matter. Hence, an application for rehearing as a practical matter is a non sequitur. That is not to say that as a technical matter CenturyTel cannot seek rehearing under the statutes to preserve its right to judicial review, but when a party agrees to waive hearing, its subsequent application for rehearing at the very least deserves strict scrutiny under the Commission's standards. Certainly, CenturyTel's boilerplate assertions regarding some

unidentified deprivation of due process and “unlawful procedures” ring hollow in light of its waiver of hearing.

3. In particular, CenturyTel’s contention that Staff would have walked away from its testimony if it had a chance to do so (Application, p. 5-6), is totally devoid of merit. Staff submitted its testimony, reviewed all subsequent testimony, waived hearing, and argued its position in its brief to the Commission. If CenturyTel truly thought that Staff’s witness would reverse his position on cross-examination, CenturyTel would surely not have waived hearing.

4. CenturyTel presents the false argument that if RCF is not an element of minimum service, it cannot be required as part of adequate, just and reasonable service pursuant to Section 392.200.1 RSMo. “Adequate” does not mean the bare minimum. It means “fully sufficient”.¹ The record demonstrates that RCF is a standard component of telecommunications services in the state. The Commission expressly found RCF to be “a well-established and useful service that benefits CenturyTel’s customers.” (Report and Order, p. 13). The Commission does not need a rule to mandate a service that is already offered by the industry, and it is not compelled to allow CenturyTel to withdraw RCF for no good reason. References to financial disincentives are not on point, as there is no evidence that CenturyTel is not making a profit on RCF (and the evidence shows that it receives a windfall from Socket Internet).

5. Regarding Socket Internet’s and Socket Telecom’s RCF orders, the Commission saw through CenturyTel’s false arguments about purported tariff violations and expressly found that the orders and usage complied with CenturyTel’s tariffs (Report and Order, p. 9-10). Likewise, the Commission recognized that once there is a change in carriers, CenturyTel’s tariffs no longer

¹ American College Dictionary, Random House.

apply. Further, the Commission recognized that any concerns about subsequent traffic congestion have nothing to do with RCF service and, even if they were legitimate, are to be resolved under the applicable interconnection agreements. (Id.). And the Commission fully recognized, and properly refused to facilitate, CenturyTel's true goal of frustrating competition by means of illegally obstructing access to telephone numbers. (Report and Order, p. 8).

6. The Commission fully considered the record, including all of CenturyTel's evidence. The record and the law support the Commission's decision and its Report and Order sets forth thorough findings of fact and conclusions of law.

WHEREFORE, Socket Telecom and Socket Internet request the Commission to deny CenturyTel's Application for Rehearing.

Respectfully submitted,

/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 18th day of December, 2007, by email and/or by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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