

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

Socket Telecom, LLC,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2008-0225</u>
)	
CenturyTel of Missouri, LLC, and)	
Spectra Communications Group, LLC,)	
d/b/a CenturyTel,)	
)	
Respondents.)	

CENTURYTEL'S REQUEST FOR MEDIATION

COME NOW CenturyTel of Missouri, LLC and Spectra Communications Group, LLC, d/b/a CenturyTel (collectively "CenturyTel" or "Respondents"), pursuant to the Commission's January 9, 2008, *Notice of Complaint* and Commission Rule 4 CSR 240-2.125(2), and respectfully request the Commission to refer this matter to mediation and to appoint a presiding officer as mediator, for the purpose of identifying the issues and attempting a resolution, all in accordance with the above-referenced rule. As this Commission is painfully aware, regrettably, these parties are involved in multiple disputes pending before the Commission; while recognizing that mediation normally involves only the two parties to a dispute, Respondents request that the Commission Staff also participate in this mediation process, to facilitate open communication and assist the parties with the actual negotiation process.

As noted in the Commission's *Notice*, "the mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in

hearings before the Missouri Public Service Commission.” While acknowledging that these parties have previously engaged in informal settlement discussions (as referenced in public pleadings filed in other matters), Respondents make this request for structured mediation in good faith with genuine interests in resolving the complaint, before proceeding to additional time-consuming, costly litigation.

Whereas the typical third-party mediator “will not possess any specialized knowledge of the utility industry or utility law,”¹ Respondents respectfully suggest that the appointment of a Commission Regulatory Law Judge is particularly appropriate given the underlying controversies involved in the instant Complaint. Likewise, as noted above, the inclusion of the Commission’s Staff and its related expertise in the mediation process would be beneficial as well. The Commission recently appointed one of its regulatory law judges as a mediator in another formal complaint involving telecommunications companies. *See, Order Appointing Mediator, In re: Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel West Corp., and NPCR, Inc., Complainants v. Southwestern Bell Telephone Company, d/b/a AT&T Missouri, Respondent*, Case No. TC-2008-0182.

¹ “Information Sheet Regarding Mediation of Commission Formal Complaint Cases,” page 2.

WHEREFORE, CenturyTel of Missouri, LLC and Spectra Communications Group, LLC, d/b/a CenturyTel respectfully request the Commission to refer this matter to mediation, as fully described herein.²

Respectfully submitted,

FISCHER & DORITY, P.C.

/s/ Larry W. Dority

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**ATTORNEYS FOR CENTURYTEL OF
MISSOURI, LLC and SPECTRA
COMMUNICATIONS GROUP, LLC,
d/b/a CENTURYTEL**

² In making this request, Respondents specifically reserve their right to file their Answer in this matter.

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at gencounsel@psc.mo.gov), the Office of the Public Counsel (at opcservice@ded.mo.gov), and counsel for Socket Telecom, LLC (at clumley@lawfirmemail.com; lcurtis@lawfirmemail.com) on this 7th day of February, 2008.

/s/ **Larry W. Dority**

Larry W. Dority