

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

MONROE BLUFF EXECUTIVE CENTER

601 MONROE STREET, SUITE 301

P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537

www.ncrpc.com

ROBERT K. ANGSTEAD

ROBERT J. BRUNDAGE

MARK W. COMLEY

CATHLEEN A. MARTIN

STEPHEN G. NEWMAN

JOHN A. RUTH

TELEPHONE: (573) 634-2266

FACSIMILE: (573) 636-3306

November 15, 2004

FILED²

NOV 15 2004

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

**Missouri Public
Service Commission**

Re: FullTel, Inc.
Case No. TK-2005-0079

Dear Judge Roberts:

Enclosed for filing in the referenced matter please find the original and five copies of a Motion to File Fulltel's Response and Opposing Suggestions to Motion for Summary Determination Out of Time.

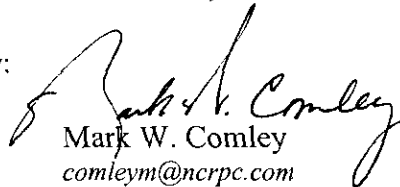
Would you please bring this filing to the attention of the appropriate Commission personnel.

Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Larry W. Dority
Roger Baresel
Andrew M. Klein

FILED²

BEFORE THE PUBLIC SERVICE COMMISSION OF
THE STATE OF MISSOURI

NOV 15 2004

Missouri Public
Service Commission

Petition of FullTel, Inc. for Approval of)
an Interconnection Agreement Pursuant)
to Section 252 of the Communications Act)
of 1934, as Amended)

Case No. TK-2005-0079

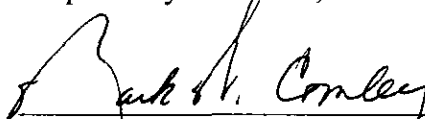
**MOTION TO FILE FULLTEL'S RESPONSE AND OPPOSING SUGGESTIONS TO
MOTION FOR SUMMARY DETERMINATION OUT OF TIME**

COMES NOW FullTel, Inc. ("FullTel"), by and through its undersigned counsel, and pursuant to 4 CSR 240-2.050 (3) requests that the Commission accept for filing out of time FullTel's Response and Opposing Suggestions to Motion for Summary Determination. In support thereof, FullTel submits the following:

1. The Commission's Order dated November 8, 2004 directed FullTel to file a response to CenturyTel of Missouri, LLC's Motion for Summary Determination no later than November 12, 2004.
2. FullTel filed its response a few minutes past the 4:00 p.m. filing deadline on November 12, 2004, and the response was deemed filed on the next business day, November 15, 2004.
3. This request is made not for the purpose of delaying this cause but rather is the result of excusable neglect. Permitting FullTel to file its response one day out of time would not be detrimental to the public interest. FullTel's delay in filing was not intentional, and was not the result of willful disobedience to a Commission rule. Granting leave to late file the response would be just and proper under the circumstances.

WHEREFORE, FullTel requests that the Commission accept for filing out of time FullTel's Response and Opposing Suggestions to Motion for Summary Determination.

Respectfully submitted,



Mark W. Comley MBE# 28847
Newman, Comley & Ruth, P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Tel. (573) 634-2266
Fax (573) 636-3306
comleym@ncrpc.com

Attorneys for FullTel, Inc.

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 15th day of November, 2004, 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.

