

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

R. Mark,)	
)	
Complainant,)	
)	Case No. TC-2006-0354
vs.)	
)	
Southwestern Bell Telephone, L.P.,)	
d/b/a AT&T Missouri,)	
)	
Respondent)	

**AT&T MISSOURI’S RESPONSE TO COMPLAINANT’S
MOTION TO RECONSIDER**

Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T Missouri”) respectfully submits that Complainant’s Motion to Reconsider¹ must be denied.

First, it is untimely. The Commission’s October 31, 2006, Order Dismissing Complaint for Failure to Comply with Discovery Orders was expressly made effective November 10, 2006.² Complainant’s Motion to Reconsider was filed on November 13, 2006.³ To the extent that it may be regarded as an application for rehearing, it is untimely because it was not filed before November 10, 2006, the effective date of the Commission’s October 31, 2006, Order, as required by Missouri law.⁴

¹ Complainant’s Motion to Reconsider Dismissal Pursuant to the Order of the Commission Dated October 31, 2006 (“Motion to Reconsider”).

² The Order thus became effective at 12:01 a.m. on Friday, November 10, 2006. 4 CSR 240-2.050(2).

³ Complainant’s Motion to Reconsider is regarded as having been filed on the date on which the pleading was stamped filed by the secretary of the Commission – November 13, 2006. 4 CSR 240-2.080(11). While markings at the top left of each page of the pleading suggest that the document was faxed to the Commission just before midnight on November 9, 2006, the next day the Commission was open for business was November 13, 2006. In accordance with the rule, the pleading thus properly bears a November 13, 2006, file-stamped date.

⁴ Section 386.500.2, RSMo 2000; 4 CSR 240-2.160(1).

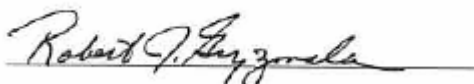
Complainant's failure compels denial of his motion. *Pro se* litigants are held to the same standards and procedures as a licensed attorney and may not be given preferential treatment. See, e.g., State v. Winrod, 68 S.W. 3d 580, 586 (Mo. App. S.D. 2002); Hardin v. State, 51 S.W. 3d 129, 131 (Mo. App. W.D. 2001); Wilson v. Carnahan, 25 S.W. 3d 664, 667 (Mo. App. W.D. 2000); Portwood-Hurt v. Hurt, 988 S.W. 2d 613, 618 (Mo. App. W.D. 1999).⁵

Second, the Motion to Reconsider provides the Commission no sufficient reason why the Commission should revisit its October 31, 2006, Order.⁶ It raises no issues or arguments not already considered and rejected by the Commission.

For the foregoing reasons, AT&T Missouri respectfully submits that Complainant's Motion to Reconsider should be denied.

Respectfully submitted,

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⁵ Moreover, Complainant has previously cited the Commission's Practice and Procedure Rules in pleadings filed with the Commission. Complainant's Responses to Respondent's Data requests Including Objections Thereto, July 21, 2006, p. 1 (citing 4 CSR 240-2.090(2)). Thus, there would not be a factual basis (even were it to matter) on which to excuse his failure to timely file.

⁶ Section 386.500.1, RSMo 2000.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties via U.S. Mail on November 14, 2006.


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