

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

R. MARK,)
Complainant)
)
v.)
)
Southwestern Bell Telephone, L.P.)
d/b/a AT&T Missouri)
Respondent)

TC-2006-0354

FILED
JUN 19 2006
Missouri Public
Service Commission

**COMPLAINT'S MOTION, FOR GOOD CAUSE SHOWN, TO
EXTEND TIME TO RESPOND TO RESPONDENT'S DRs**

Comes now Complainant with *Complaint's Motion, for Good Cause Shown, to Extend Time to Respond to Respondent's DRs*, and states:

1. That Respondent has submitted Data Requests to the Complainant.
2. That heretofore, the Complainant moved for the suspension of all discovery until the Commission ruled on *Complainant's Motion for Summary Judgment*. This Motion was denied.
3. The Complainant, however, now finds and requires 30 additional days to respond to the voluminous DR's filed by the Respondent because of Complainant's medical condition, to wit: Complainant has serious medical conditions including, but not limited to, a recent heart attack (subsequent to heart bypass surgery), and has, *inter-alia*, debilitating atherosclerosis and other serious physical medical infirmities.
4. That the Respondent has filed, preliminarily, patently frivolous data requests which are clearly intended for the sole purpose of harassment of the Complainant and for the purpose of delay and obfuscation, i.e. ". . . (s)ate whether you have been employed at any time since November 1, 2003, state whether since November 1, 2003, you have provided services to another for compensation, identify the nature and/or type of *messages* sent by and/or received by the fax machine, identify the . . . serial number of the fax machine," etc.
5. That preliminary, none of the Respondent's data requests filed by the Respondent appears to be relevant or material in any way to **any** issue presented by the Respondent's violation of G.E.T. Sec. 6.12.6(E), a tariff which simply and clearly proscribes that if a customer uses a "data terminal" (i.e. fax machine) and "no voice use is contemplated," the telephone customer should not be charged a monthly charge for unpublished service. Incorporated herein by reference as if stated in its entirety is the Affidavit attached to *Complainant's Motion for Summary Judgment* (and concurrent Supplementary Affidavit).

6. That it should be noted that the Respondent's DRs were filed **PRIOR TO** the *Complainant's Affidavit in Support of Complainant's Motion for Summary Judgment* and that any and all relevant requests were addressed in said affidavit.

7. That under G.E.T. Sec. 6.12.6(E), no customer is required to furnish income, employment, a serial number, or the "nature and/or type of *messages* sent by and/or received by . . ." the data terminal. No telephone customer is required to provide any personal information to AT&T in order **not** to be charged for unpublished residential service in accordance with G.E.T. Sec. 6.12.6(E); the Respondent and its four counsel are surely aware of this, but apparently seek to harass the Complainant, to demonstrate to this Complainant and to other potential Complainants, that Respondent will not hesitate to use its overwhelming financial and legal resources and power to penalize any Complainant who objects to Respondent's violations of its tariffs, and it will attempt to obfuscate and to delay proceedings before the Commission as well as to attempt to invade the Complainant's privacy in any and every way possible.

6. That additionally, the Complainant has propounded data requests to the Respondent and has not yet received Respondent's responses.

7. That in accordance with 4 CSR 240-2.050(3), the Commission, in its discretion, may order the period of time enlarged relating to any responses due as a result of data requests.

8. That the Complainant requires thirty (30) days additional before Complainant can thoroughly review and adequately respond to the voluminous and obviously frivolous, irrelevant, and immaterial data requests filed by Respondent including, *inter-alia*, those set forth in paragraph #4 hereinabove.

WHEREFORE, Complainant prays that the Missouri Public Service Commission will allow the Complainant thirty (30) additional days from the date of the Commission's ruling on this *Motion* to allow the Complainant adequate time to thoroughly review the Respondent's data requests and to file responses, all in accordance with the discretion available to it pursuant to 4 CSR 240-2.050(3). Complainant further prays for such other and further orders of the Commission as may be found to be just and proper in the premises.

Respectfully,

Complainant

Copies faxed to the Public Service Commission,
General Counsel's Office, 573-751-9285;
Lewis R. Mills, Jr., Office of Public Counsel,
573-751-5562, and mailed to the Attorneys for
AT&T Missouri, Respondent.

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