

FILED

OCT 19 2006

Missouri Public
Service Commission

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

R. MARK,

Complainant

v.

Case No. TC-2006-0354

Southwestern Bell Telephone, L.P.
d/b/a AT&T Missouri

Respondent

**COMPLAINT'S REQUEST FOR THE ISSUANCE OF
A SUBPOENA DUCES TECUM FOR PAUL G. LANE**

Comes now Complainant with COMPLAINT'S REQUEST FOR THE ISSUANCE OF A
SUBPOENA DUCES TECUM FOR WITNESS PAUL G. LANE, and states:

1. That the Commission has ordered that a hearing take place on the 12th day of December 2006 in this matter.
2. That in accordance with 4 CSR 240-2.100, a party may make a request for the issuance of a subpoena duces tecum for the appearance of any witness that the party deems necessary at such hearing.
3. That *Paul G. Lane*, is an employee of the Respondent, has taken part in, and has made decisions related to, the denial by the Respondent of a waiver in accordance with G.E.T. §6.12.6(c) and has further been solely involved in the consideration of a stipulation tendered by the Complainant to the Respondent in order to attempt to resolve undisputed issues in lieu of, and prior to, the filing of the Complainant's Complaint.
4. That the Complainant considers the appearance by said witness producing the stipulation document to be necessary to the resolution of the issues involved in this case, the bias and prejudice of the Respondent, the arbitrariness and capriciousness of the Respondent, and the subsequent denial of the waiver by the Respondent during the period from November 1, 2003 and the filing of the formal Complaint.
5. That the Complainant verily believes that he cannot receive a fair hearing unless the witness is ordered to appear and to produce at the time of his appearance, the aforesaid "stipulation" document.
6. That attached hereto and made a part hereof is the Commission's proscribed Subpoena Duces Tecum form provided for the issuance of a subpoena duces tecum by the Commission.
7. That the document to be produced and the testimony of the Respondent's employee is material and relevant in this matter; without the aforesaid document and testimony, the Complainant does not believe he can receive a fair, impartial, and complete hearing on this matter.

WHEREFORE, Complainant moves that the Commission, in accordance with 4 CSR 240-2.2.090 et seq. order that the Secretary of the Commission or a law judge sign and issue said subpoena duces tecum and further order it to be served upon the prospective witness.

Respectfully,



Complainant

9029 Gravois View Ct. #C
St. Louis, Missouri 63123
October 18, 2006

Serve: PAUL C. LANE
 #1 AT&T Center
 Room #3516
 St. Louis, MO
 63101

SUBPOENA DUCES TECUM



THE STATE OF MISSOURI. To PAUL G. LANE

You are hereby commanded to be and appear personally before The Public Service Commission of the State of Missouri or any Commissioner thereof on the 12th day of December, at 9AM o'clock of that day, at The Missouri Pub. Svc. in the County of Cole Commission - Jefferson City, MO. in the State of Missouri, to testify at a hearing in the matter of: Mark v. SBC a/k/a ATT

And that you bring with you and produce at said hearing the stipulation document sent to you and received by you from the Complainant

on behalf of Complainant, and hereof fail not at your peril. The person or officer serving this writ is commanded to have the same at the time and place aforesaid, certifying thereon its return.

Given under my hand, this _____ day of _____,

 [Name]

 [Title]

RETURN

I HEREBY CERTIFY that I have served the within writ by reading the same in the presence and hearing of the within named _____ on the _____ day of _____, in _____ County, in the State of Missouri.

 [Name]

 [Title]