

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

<b>PETITION OF SOCKET TELECOM, LLC</b>	)	
<b>FOR COMPULSORY ARBITRATION OF</b>	)	
<b>INTERCONNECTION AGREEMENTS WITH</b>	)	<b>CASE NO. TO-2006-0299</b>
<b>CENTURYTEL OF MISSOURI, LLC AND</b>	)	
<b>SPECTRA COMMUNICATIONS, LLC</b>	)	
<b>PURSUANT TO SECTION 252(b)(1) OF THE</b>	)	
<b>TELECOMMUNICATIONS ACT OF 1996</b>	)	

**SOCKET TELECOM, LLC'S MOTION FOR RECUSAL  
OF COMMISSIONER APPLING**

COMES NOW Socket Telecom, LLC ("Socket") and files its Motion for the Recusal of Commissioner Appling from deliberations and voting on Socket's pending Motion for Reconsideration and any other Commission decisions remaining in this case, and for cause, shows as follows:

1. On January 13, 2006, Socket Telecom, LLC ("Socket") filed its arbitration petition against CenturyTel of Missouri, LLC and Spectra Communications, LLC d/b/a CenturyTel ("CenturyTel"). After several months of testimony, hearings, and briefs, the Arbitrator issued his Final Report on May 18, 2006. Pursuant to Commission rules, the parties were then permitted to file exceptions to that Report and seek Commission modification of the Report. On June 27, 2006, the Commission issued its Final Decision regarding the Arbitrators' Final Report.

2. Socket filed a Motion for Reconsideration of Final Commission Decision on the issue of Points of Interconnection on June 28, 2006. On July 5, 2006, the Parties filed a Motion for Extension of Time requesting the Commission to extend the jurisdiction set forth under the Telecommunications of Act of 1996 and previous Commission orders. That motion was granted and the Commission consequently has jurisdiction over this proceeding through August 18,

2006. In the exercise of that continuing jurisdiction, the Commission has posted consideration of Socket's outstanding Motion for Reconsideration for its meeting on July 20, 2006.

3. On July 10, 2006, Commissioner Murray filed a Notice of Ex Parte Contact, that included materials alleging impropriety concerning Commissioner Appling's relationship with an employee of CenturyTel. On July 11, 2006, Chairman Davis, Commissioner Gaw, and Commissioner Clayton filed a memorandum, acknowledging receipt of the same materials. The *ex parte* allegations concern conduct that occurred during the course of this arbitration, and, to date, have been neither publicly admitted nor denied. Until such allegations are resolved through an investigation or otherwise, the potential exists for the Commission's decisions to appear to be affected by circumstances outside the record. Socket objects to being placed in such a position and therefore requests that Commissioner Appling recuse himself and refrain from commenting upon or voting on remaining issues. *See Union Electric Company v. Public Service Comm'n*, 591 S.W.2d 134 (Mo. App. 1979) (every party is entitled to have his case considered by a Public Service Commission consisting only of persons who are not interested or prejudiced in the cause). Such recusal will ensure that the Commission's future decisions in this proceeding are not affected by any appearance of bias in favor of CenturyTel.

Respectfully submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley  
Leland B. Curtis, #20550  
Carl J. Lumley, #32869  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)

CASEY, GENTZ & MAGNESS, L.L.P.

/s/ Bill Magness  
Bill Magness  
Texas State Bar No. 12824020  
98 San Jacinto Blvd. Suite 1400  
Austin, Texas 78701  
515/225-0019 (Direct)  
515/480-9200 (Fax)  
[bmagness@phonelaw.com](mailto:bmagness@phonelaw.com)

ATTORNEYS FOR SOCKET TELECOM, LLC

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the foregoing document to be electronically filed and served on the Commission's Office of General Counsel (at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)), the Office of Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)), counsel for CenturyTel of Missouri and Spectra Communications (at [lwdority@sprintmail.com](mailto:lwdority@sprintmail.com) and at [hartlef@hughesluce.com](mailto:hartlef@hughesluce.com)) on this 19<sup>th</sup> day of July, 2006.

/s/ Carl Lumley