

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

Staff of the Public Service Commission)	
Of the State of Missouri,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2005-0357
)	
Cass County Telephone Company)	
Limited Partnership,)	
)	
Respondent.)	

**JOINT MOTION FOR SUSPENSION OF PROCEDURAL SCHEDULE AND
MOTION FOR EXPEDITED TREATMENT**

COME NOW Complainant Staff of the Missouri Public Service Commission (Staff) and Respondent Cass County Telephone Company Limited Partnership (CassTel) by and through the undersigned counsel, and request that the Commission suspend the procedural schedule in the referenced case until January 1, 2006, and grant expedited treatment of this request. In support thereof, Staff and CassTel state the following:

1. On April 8, 2005, Staff filed its four-count Complaint against CassTel. The Commission docketed the Complaint as captioned above. Thereafter on May 13, 2005, CassTel filed its Answer and affirmative defenses.

2. On July 22, 2005, Staff filed a proposed procedural schedule. CassTel filed its response to Staff's proposal on July 28, 2005.

3. On August 4, 2005, the Missouri Public Service Commission (Commission) issued its Order Adopting Procedural Schedule in the referenced case. That order included procedural deadlines, including an evidentiary hearing of five days commencing on October 31, 2005 at 8:30 am.

4. On August 30, 2005, Staff filed its Motion for Summary Disposition and legal memorandum in support of said motion.

5. Counsel for Complainant and Respondent have been in regular communication with the mutual objective of completing discovery by the October 21, 2005 deadline.

6. Counsel for Complainant and Respondent also have discussed possible settlement of the instant Complaint, and agreements with respect to related matters. Settlement discussions have progressed to the point that both parties believe they hold promise for the submission of a comprehensive settlement to the Commission for its consideration.

7. Although discussions to date are promising, there are still many issues which the parties need to consider in greater detail. To permit settlement discussions to move forward toward resolution of the instant Complaint and other related matters that affect the ongoing operation of CassTel, without simultaneously committing substantial resources to preparation for hearings, Staff and CassTel believe it would be productive to suspend the procedural schedule and any obligation to make any responsive filings with respect to discovery requests, pending motions or responsive pleadings, in this case approximately 90 days, until January 1, 2006. Staff will file status reports every 30 days during the suspension period, informing the Commission on the Parties' progress towards settlement.

8. An additional consideration for a delay is that it will permit the parties to direct their efforts to resolution of multiple issues involving the current ownership of CassTel, including actions that may result in the transfer of company ownership to new

parties, with Commission authorization. Included in such efforts will be the further review of and attempts to reach agreement regarding the accuracy of company books and records, which Staff believes is necessary for both any prospective sale of CassTel and for CassTel's recertification for federal USF funds. If the procedural schedule is suspended, CassTel will waive any applicable statute of limitation defense available to it in this case to the extent such waiver is required to effect a tolling of each such statute of limitation until January 1, 2006. CassTel makes this commitment in order to facilitate settlement discussions and to maintain the *status quo* with respect to any prospective recovery of statutory penalties in any complaint actions the Staff has brought or might bring. This agreement is memorialized in Attachment A, affixed hereto, and incorporated herein by reference.

9. The parties understand that, absent such waiver, the Staff would file by no later than October 1, 2005, additional counts for monetary penalties against CassTel. Those counts would include, but not be limited to, allegations related to CassTel's transactions with affiliates.

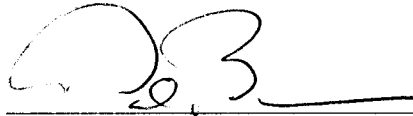
10. Staff and CassTel further request that the Commission grant expedited treatment to this Motion and grant it as soon as possible pursuant to Commission Rule 4 CSR 240-2.080(16). Staff and CassTel specifically request that the Commission grant this Motion on or before September 30, 2005. The granting of this motion will prevent the utilization of resources to prepare for litigation by all Parties in this case and thus will avoid any undue negative impact on CassTel's customers. This pleading has been filed as soon as it could have been once the Parties' negotiations reached this point.

11. The Office of the Public Counsel does not oppose this Joint Motion.

WHEREFORE Staff and CassTel jointly request the Commission to suspend the procedural schedule in this matter until January 1, 2006, and grant expedited treatment of this request, for the reasons aforesaid.

Respectfully Submitted,
BRYDON, SWEARENGEN & ENGLAND, PC

BY:



William R. England, III #23975
Paul A. Boudreau #33155
312 East Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102-0456
Telephone: (573) 635-7166
Facsimile: (573)635-0427

Attorneys for Cass County Telephone
Company Limited Partnership



Robert Franson #34643
Senior Counsel
William K. Haas
Deputy General Counsel #28701
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102
Telephone: (573) 751-6651
Facsimile: (573) 751-9285

Attorneys for the Staff of the Missouri Public
Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by electronic mail, first class mail or by hand delivery, on this 23rd day of September, 2005 to the following:

Mr. Robert Franson
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Mr. Paul Boudreau
Brydon, Swearengen & England
P.O. Box 456
Jefferson City, MO 65102

Mr. William Haas
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

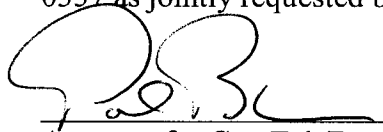
Office of Public Counsel
Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101

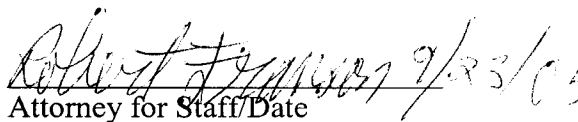
A handwritten signature in dark ink, appearing to read "Robert Franson", is written over a horizontal line.

CONDITIONAL AGREEMENT TO TOLL AND SUSPEND
STATUTE OF LIMITATION

For and in consideration of the Complainant Staff's promise to postpone further prosecution of its Complaint in Case No. TC-2005-0357 until January 1, 2006, and its promise to delay from filing additional penalty complaints against CassTel until January 1, 2006 for matters discovered in the Staff's continuing CassTel investigations which commenced in August 2004 , and further conditioned upon the Commission suspending the proceedings in Case No. TC-2005-00357 as jointly requested by Respondent Cass County Telephone Company, L.P. [hereinafter "CassTel"] and the Staff, CassTel agrees to waive any applicable statute of limitations from the date of the filing of the joint motion until January 1, 2006, with regard to the Complaint in Case No. TC-2005-0357 and the additional penalty complaints, to the extent any waiver is required to effect a tolling of each such statute of limitations. CassTel grants such a waiver only for the period described above.

The Staff promises to postpone further prosecution of its Complaint in Case No. TC-2005-0357 until January 1, 2006, and to delay from filing any additional penalty complaints against CassTel until January 1, 2006 for matters discovered in the Staff's continuing investigations which commenced in August 2004. The Staff's promises are conditioned upon the Commission suspending the proceedings in Case No. TC-2005-0357 as jointly requested by CassTel and the Staff.

 9/23/05
Attorney for CassTel /Date

 9/23/05
Attorney for Staff/Date