

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

An Investigation of the Fiscal and )	
Operational Reliability of Cass County )	
Telephone Company and New Florence )	Case No. TO-2005-0237
Telephone Company, and Related )	
Matters of Illegal Activity )	

**CONDITIONAL WITHDRAWAL OF  
MOTION TO PARTICIPATE IN DEPOSITIONS**

COMES NOW Cass County Telephone Company ("CassTel"), New Florence Telephone Company ("New Florence") and Local Exchange Company, LLC ("LEC") and for their Conditional Withdrawal of Motion to Participate in Depositions states as follows to the Missouri Public Service Commission ("Commission").

1. On July 6, 2005, CassTel, New Florence and LEC filed their Motion for Order Allowing Them to Participate in Depositions which Staff was planning to take of certain LEC, CassTel and New Florence employees.
2. On July 12, 2005, Staff filed its Response to the Motion of CassTel, New Florence and LEC for Order Allowing Them to Participate in Depositions.
3. In order to avoid a protracted delay in this proceeding, CassTel, New Florence, LEC and Staff have reached an agreement, among other things, regarding the extent of participation by CassTel, New Florence and LEC in said depositions, and a copy of said agreement is attached hereto as Attachment A.
4. If the Commission accepts the agreement contained in Attachment A, then CassTel, New Florence and LEC will withdraw their Motion to Participate in Depositions.

WHEREFORE, CassTel, New Florence and LEC respectfully state that if the Commission accepts the attached agreement between them and Staff regarding the

depositions of CassTel, New Florence and LEC employees, then CassTel, New Florence and LEC withdraw their Motion to Participate in Depositions.

Respectfully submitted,

/s/

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/s/

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Attorneys for Local Exchange Company, L.L.C.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent electronically, by U.S. Mail, postage prepaid, or hand-delivered on this 13th day of July, 2005, to the following parties:

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Missouri Public Service Commission  
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/s/

W.R. England, III

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OF COUNSEL  
RICHARD T. CLOTTONE

July 13, 2005

Mr. Dan Joyce  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

RE: Cass County Telephone Company  
- Depositions  
- Case No. TO-2005-0237

Dear Dan:

In light of Staff's Response to the Motion of Cass County Telephone Company (CassTel), New Florence Telephone Company (New Florence) and Local Exchange Company, LLC (LEC) for Order Allowing Them to Participate in Depositions and our conversation earlier today, I believe we have reached an agreement that will allow the subpoenas to be issued and the depositions to proceed as scheduled. The terms of that agreement are as follows:

The depositions of LEC, CassTel and New Florence employees will be attended only by Staff, Staff Counsel, the employee to be deposed, the employee's counsel, and counsel for CassTel and New Florence. No representative of LEC will attend the depositions. Counsel for CassTel and New Florence will only be allowed to attend (i.e., listen to) the deposition and will not be allowed to examine or cross-examine the deponent.

The transcripts of the depositions will be treated as confidential pursuant to Section 386.480 RSMo 2000. To the extent Staff seeks to use the depositions in any report or other filing made in the Investigatory Docket (i.e., Case No. TO-2005-0237), it will give CassTel, New Florence and LEC a reasonable opportunity to review those portions of the depositions sought to be used and to have redacted from the report any information claimed to be proprietary or highly confidential in accordance with the terms of the Protective Order issued in the Investigatory Docket.

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Staff agrees that the depositions will not be used for any purpose in any other proceeding, other than the Investigatory Docket, with the exception that the depositions may be used, if appropriate, for impeachment/rehabilitation purposes in such other proceeding.

If my understanding of our agreement is accurate, would you please acknowledge so by signing this letter and returning to me at your earliest convenience. Thank you for your attention to and cooperation in this matter.

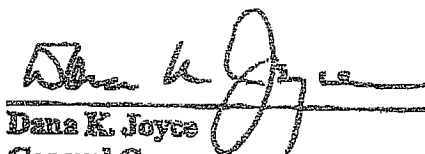
Sincerely,



W.R. England, III

WRE/da

Agreed to by:



Dana K. Joyce  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
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