

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

An Investigation of the Fiscal and Operational )  
Reliability of Cass County Telephone Company )  
and New Florence Telephone Company, and )  
Related Matters of Illegal Activity. )

Case No. TO-2005-0237

**Staff's Response to LEC, LLC's Motion to Reconsider  
the Commission's April 1, 2005 Order Regarding Compliance with Subpoenas**

COMES NOW the Staff of the Public Service Commission and responds to LEC, LLC's Motion for Reconsideration of April 1, 2005 Order Regarding Compliance with Subpoenas as follows:

1. In its motion for reconsideration of the extension from April 6, 2005 to April 20, 2005 of the date for production of documents pursuant to the subpoenas issued to Local Exchange Company, LLC ("LEC, LLC"), LEC, LLC argues that by extending the date for production the Commission has somehow required that LEC, LLC must comply with the *subpoenas*, without the Commission having ruled on LEC, LLC's motion to quash.

2. The Staff disagrees with LEC, LLC. As noted by the Commission in its April 1, 2005 Order, as issued, the *subpoenas*, which are Commission orders directing the production of documents at a particular time, date and place, required production of the documents described in the *subpoenas* on April 6, 2005. It is clear from the Commission's directive to the Staff that by no later than April 8, 2005 the Staff is to file a pleading with the Commission stating what "discovery disputes with LEC, LLC were resolved by the April 4, 2005 conference call, and setting forth its arguments concerning the disputes not resolved," that the Commission did not

intend for its April 1, 2005 Order to effectively deny LEC, LLC's motion to quash and require LEC, LLC to comply with the *subpoenas* on April 20, 2005.

3. It is apparent to the Staff that the Commission's concern was that April 6, 2005 would, as it has, pass before the Commission rules on the motion to quash and, therefore, unless the Commission set a new date for compliance in the event it does not grant the motion to quash in its entirety, due to the date for production having already past, LEC, LLC could not comply with the production date of April 6, 2005.

4. Because Commission action on LEC, LLC's motion to quash is pending, the Staff perceives no prejudice suffered by LEC, LLC through the extension from April 6, 2005 to April 20, 2005 of the production date as ordered by the Commission in its April 1, 2005 Order.

**WHEREFORE,** the Staff recommends that the Commission deny Local Exchange Company, LLC's motion for reconsideration of the Commission's April 1, 2005 Order.

Respectfully submitted,

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 8<sup>th</sup> day of April 2005.

/s/ Nathan Williams

Nathan Williams