## BEFORE THE PUBLIC SERVICE COMMISSION OF THE 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.	)	

## WITHDRAWAL OF NEW FLORENCE TELEPHONE COMPANY'S MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO QUASH

Comes now New Florence Telephone Company ("New Florence") and for its Withdrawal of Motion for Reconsideration of Order Denying Motion to Quash states to the Missouri Public Service Commission ("Commission") as follows:

- 1. On May 5, 2005, the Commission issued its Order Denying Motion to Quash in which it denied the Motion to Quash subpoenas filed by New Florence and Cass County Telephone Company ('Cass County" collectively "the Companies"). The subpoenas that the Companies sought to quash requested access to the workpapers of the Companies' external, third-party auditors. The Companies filed a motion to quash on the grounds that the information sought was privileged pursuant to § 326.322, RSMo 2000.
- 2. On May 13, 2005, the Companies filed a Motion for Reconsideration of the Commission's Order asserting that the Commission had incorrectly found that only the accountant, not the client, could assert the privilege, that the privilege was not available to a utility regulated by the Commission, and that the subpoenas were overbroad.
- 3. New Florence has now decided to waive the privilege and allow the Commission Staff access to the workpapers of its auditors. In return, the Staff has agreed not to require New

Florence to make those workpapers available in its offices within the state or to seek expenses from New Florence in order to review the workpapers of its auditors who are both located out-of-state in Overland Park, Kansas. Because of this agreement with the Staff, New Florence now wishes to withdraw its Motion for Reconsideration of the Order Denying Motion to Quash previously filed with the Commission.

Wherefore, New Florence Telephone Company respectfully requests that the Commission allow it to withdraw its Motion for Reconsideration of the Order Denying Motion to Quash and for any other relief appropriate in the circumstances.

Respectfully submitted,

W.R. England, III

#239/3

Sondra B. Morgan

#35482

BRYDON, SWEARENGEN & ENGLAND P.C.

P.O. Box 456

Jefferson City, MO 65102-0456

(573) 635-7166

(573) 634-7431 (fax)

smorgan@brydonlaw.com (email)

Attorneys for New Florence Telephone Company

## **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 15 day of June, 2005, to the following parties:

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

Michael F. Dandino Senior Counsel Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102

Sondra B. Morgan