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April 8, 2004

**FILED**

**APR 8 2004**

**Missouri Public  
Service Commission**

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

Re: The Staff of the Missouri Public Service Commission v.  
Lockheed Martin Global Telecommunications Services, Inc.  
Case No. TC-2004-0415

Dear Judge Roberts:

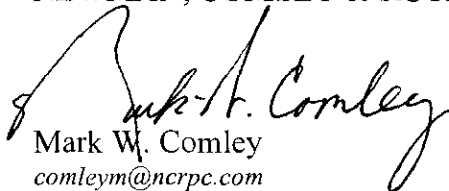
Enclosed for filing in the referenced matter please find the original and five copies of Suggestions in Opposition to Staff's Motion to Consolidate.

Please contact me if you have any questions regarding this matter. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
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MWC:ke

Enclosure

cc: Office of Public Counsel  
David Meyer  
Winafred Brantl

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

APR 08 2004

Missouri Public  
Service Commission

In the Matter of Lockheed Martin Global )  
Telecommunications Services, Inc.'s 2002 )  
Annual Report to the Commission as an )  
Interexchange Telecommunications )  
Carrier, )

Case No. XE-2004-0488

The Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Case No. TC-2004-0415

Lockheed Martin Global )  
Telecommunications Services, Inc., )

Respondent.

**LOCKHEED MARTIN  
GLOBAL TELECOMMUNICATIONS SERVICES, INC.'S  
SUGGESTIONS IN OPPOSITION TO  
STAFF'S MOTION TO CONSOLIDATE**

On or about April 1, 2004, Staff filed two motions in the same pleading; it moved to consolidate the above captioned cases and moved for summary disposition. What follows are Lockheed Martin Global Telecommunications Services, Inc.'s (LMGTSI) suggestions opposing the motion to consolidate only.<sup>1</sup>

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<sup>1</sup> Under 4 CSR 240-2.117 (B), "[n]ot more than thirty (30) days after a motion for summary determination is served, any party may file . . . a response in opposition to the motion. . . ." A response to the motion for summary disposition is not yet due. LMGTSI will require the time allowed by the rule for its response to the Staff's motion for summary disposition.

Staff recited accurately in its motion that on March 24, 2004, LMGTSI filed a *Motion For Leave To File Annual Report Out Of Time* and appended a copy of the Company's completed 2002 Annual Report.

Staff continues in paragraph 4 of its motion to consolidate, that LMGTSI's 2002 Annual Report was completed as required, and as part of its prayer for relief, Staff asks the Commission to accept LMGTSI's annual report out of time.

Commission rule 4 CSR 240-2.110(3) provides:

(3) When pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

LMGTSI submits that 4 CSR 240-2.110(3) does not support the consolidation of LMGTSI's request for authority to late file its 2002 Annual Report (Case No. XE-2004-0488) with the complaint filed by Staff against LMGTSI (Case No. TC-2004-0415). Based upon what Staff has pleaded about LMGTSI's 2002 Annual Report, there are no issues separating the parties in Case No. XE-2004-0433, and therefore no "matters at issue" to join in the complaint for hearing. It appears that Staff has asked the Commission for the same relief that LMGTSI itself requested in its Motion For Leave to File Annual Report Out of Time. Staff does not allege any other issues that should be heard in connection with Case No. XE-2004-0488.

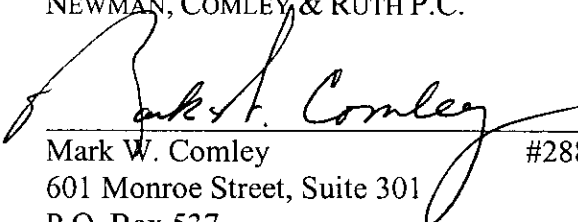
Since the parties are essentially in perfect agreement on allowing LMGTSI's 2002 Annual Report to be late filed, relief under LMGTSI's motion to late file its Annual Report would be unnecessarily delayed if Case No. XE-2004-0488 were consolidated with the complaint. Additionally, continuation of Case No. XE-2004-0488 despite the

absence of material issues separating the parties will involve unnecessary cost and expense. Instead of easing the task of granting LMGTSI's uncontested motion to late file its annual report, consolidation of the motion with the complaint will complicate it. Staff's motion to consolidate should be denied.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C.

By:

  
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Attorneys for Respondent

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, to **david.meyer@psc.mo.gov**, and Office of Public Counsel at **opcservice@ded.state.mo.us**, on this 8<sup>th</sup> day of April, 2004.

