

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

MONROE BLUFF EXECUTIVE CENTER

601 MONROE STREET, SUITE 301

P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537

www.ncrpc.com

ROBERT K. ANGSTEAD
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH

TELEPHONE: (573) 634-2266
FACSIMILE: (573) 636-3306

July 29, 2003

FILED²

JUL 29 2003

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: TK-2003-0540

Dear Judge Roberts:

Enclosed for filing on behalf of Comm South Companies, Inc. please find an Entry of Appearance and Motion for Extension of Time Within Which to File Response to Order to Show Cause and Response to Order to Show Cause.

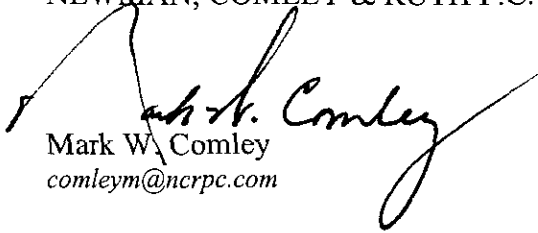
Would you please bring this filing to the attention of the appropriate Commission personnel.

Thank you very much.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Sheri Pringle
Lisa Creighton Hendricks
Craig S. Johnson
Brian T. McCartney

FILED²

JUL 29 2003

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Master Interconnection and Resale)
Agreement by and between Sprint Missouri, Inc., and)
Comm South Companies, Inc. d/b/a Missouri Comm) Case No. TK-2003-0540
South Inc., Pursuant to Section 251 and 252 of the)
Telecommunications Act of 1996.)

MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE RESPONSE TO
ORDER TO SHOW CAUSE
AND
RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. ("Comm South") and for its above entitled pleading states the following to the Commission:

1. On July 15, 2003, the Commission entered an Order to Show Cause (the Order) directing Comm South to file a pleading not later than July 18, 2003 stating good cause as to why it should not be dismissed as a party to this matter. The effective date of the Order was July 18, 2003. This response to the Order is therefore out of time.

2. The Commission's deadline for responding to the Order should be extended. First, Comm South did not receive a service copy of the Order. Comm South first learned that the Order had been entered from the undersigned counsel on the morning of July 28, 2003. After it became aware of the Order, Comm South immediately authorized the undersigned counsel to prepare a response. Second, dismissal of Comm South, which has been declared a necessary party to this case, would mean the dismissal of the case as a whole. As will be explained subsequently, good cause exists to maintain Comm South as a party. This response has been filed promptly after the company's realization that it was subject to the Order. A response was delayed due to circumstances, which, in fairness and justice, should be excusable. The time for filing this response should be extended pursuant to 4 CSR 240-2.050(3).

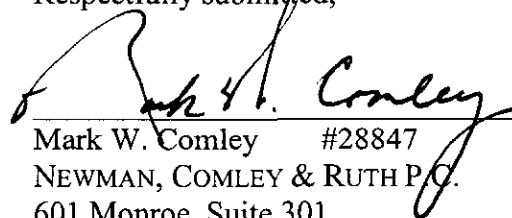
3. Although Comm South was made a necessary party to this matter, and thereafter, the Commission scheduled a prehearing conference in which parties were expected to participate, it was Comm South's understanding, apparently in error, that Sprint Missouri Inc. and its attorneys or other representatives, would make the necessary appearances before the Commission on behalf of Comm South as well. Laboring under that misunderstanding, Comm South did not have separate representation retained to appear at the prehearing conference.

4. Comm South has retained the undersigned for purposes of representing the company throughout the remainder of this case.

5. Comm South's failure to appear at the prehearing conference was not for purposes of delay or in willful disobedience to the Commission's rules or orders, but was purely as a result of a mistaken understanding of the division of duties between the contracting parties in this case.

WHEREFORE, on the basis of the above and foregoing, Comm South prays that the Commission extend the time for the filing of its response to the Order to the date of the filing thereof, and excuse Comm South's absence from the prehearing conference.

Respectfully submitted,



Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537

573/634-2266 (Telephone)
573/636-3306 (FAX)
comleym@ncrpc.com

Attorneys for COMM. SOUTH COMPANIES,
INC. d/b/a MISSOURI COMM SOUTH, INC.

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, on this 29th day of July, 2003, to:

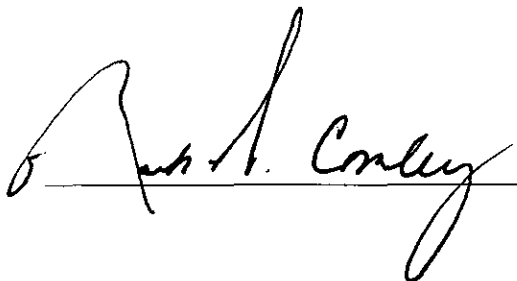
General Counsel's Office
P.O. Box 360
Jefferson City, MO 65102

Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Lisa Creighton Hendricks
Sprint Missouri, Inc.
6450 Sprint Parkway
Overland Park, KS 66251

Craig S. Johnson
P.O. Box 1438
Jefferson City, MO 65102

Brian T. McCartney
P.O. Box 456
Jefferson City, MO 65102

A handwritten signature in cursive script, reading "Brian T. McCartney", is written over a horizontal line.