

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

R. MARK,)
Complainant)
v.)
Southwestern Bell Telephone, L.P.)
d/b/a AT&T Missouri)
Respondent)

TC-2006-0354

FILED
MAY 19 2006
Missouri Public
Service Commission

**COMPLAINANT'S MOTION FOR ADDITIONAL TIME TO FILE
RESPONSE TO RESPONDENT'S MOTION TO STRIKE
AND TO ALLOW TIME FOR THE COMPLAINANT TO FILE
COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT**

Comes now Complainant with COMPLAINT'S MOTION FOR ADDITIONAL TIME TO FILE A RESPONSE TO RESPONDENT'S MOTION TO STRIKE and to allow time for the Complainant to file COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT, and states:

1. That Respondent filed, on or about, May 1, 2006, its MOTION TO STRIKE and its ANSWER TO THE COMPLAINANT'S COMPLAINT along with adding another attorney of record on behalf of Respondent in addition to the previous (3) three existing counsel already representing the Respondent, thus making a cadre of four (4) attorney representing the Respondent!

2. That heretofore, Complainant had a vacation planned during the month of May and would, and will, be unable to respond with COMPLAINANT'S SUGGESTIONS IN OPPOSITION TO RESPONDENT'S MOTION TO STRIKE. Additionally, Complainant anticipates filing COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT to be filed at the same time as the SUGGESTIONS IN OPPOSITION.

3. That Commission has wisely ordered that its staff investigate and file a report relating to the facts set forth in the Complaint and to file said report on or before May 31, 2006. Because of the seriousness of the allegations against the Respondent, all necessary time should be provided the Staff to allow it to verify the facts relating to the Respondent's willful, wanton, and deliberate disregard and oppressive conduct involving its violation of the Commission's Rules, to wit: Sec. 6.12.6(E) of *Southwestern Bell Telephone's General Exchange Tariff*, the comparable non-published rates charged by the same Respondent in other states, i.e., California, and the fact that Respondent does not charge any Missouri subscriber for unpublished *cellular* telephone service. Additionally, the Staff should be permitted to consider the overwhelming financial resources that are being, have

been, and will be, wasted and expended by the Respondent in this matter alone: **a cadre of four (4) attorneys of record**--all because the Respondent has oppressively and unlawfully refused, and has continued to refuse, to discontinue Complainant's unpublished monthly service charge for the Complainant's fax machine: a data device which is used exclusively by the Complainant where no voice use is, and was, contemplated---despite the Commission's Rule *specifying with particularity* that no monthly unpublished charge shall be charged by the Respondent for unpublished service where the customer utilizes a data device and no voice use is contemplated on one's P.O.T.S. line! Presumably, the Respondent will claim, before the Missouri Public Service Commission at a later date, that it **has** "necessary" increased fixed costs, i.e., legal, and therefore it should be granted further and additional utility rate increases by the Commission to be paid by Respondent's Missouri utility customers.¹

4. That there will be no prejudice to the Respondent by the Commission's granting to the Complainant until on or before May 31, 2006 for the Complainant to respond to the RESPONDENT'S MOTION TO STRIKE filed by the Respondent's now, **four (4) counsel of record**, and for the Complainant to file an anticipated COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT.

WHEREFORE, Complainant prays that the Missouri Public Service Commission will allow the Complainant until on or before May 31, 2006 to file responsive pleadings to those filed by the Respondent on or about May 1, 2006, will allow sufficient time for the filing of the COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT, and will enter such other and further orders of the Commission as may be found to be just and proper in the premises.

Respectfully,

Complainant

Copies faxed to the Public Service Commission,
General Counsel's Office, 573-751-9285;
Lewis R. Mills, Jr., Office of Public Counsel,
573-751-5562, and mailed to the Attorneys for
AT&T Missouri, Respondent,.

9029 Gravois View Ct. #C
St. Louis, Missouri 63123

¹Query: What will be the ultimate cost to Missouri telephone utility customers (in the form of increased monthly telephone service), for the legal fees applicable and apportioned (in the form of increased utility rates for telephone service charged Missourians by the Respondent), for a **cadre of four (4) attorneys** now representing the Respondent in this matter in support of its inappropriate and unlawful unpublished monthly charges to the Complainant (in direct violation of the Commission's Rules), for an undisputed period commencing in November 2003! What an incredible, egregious, and manifest waste of the Respondent's resources; such action by the Respondent borders on financial irresponsibility at the highest level of the Respondent's company!

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