

# 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  
ROBERT J. BRUNDAGE  
MARK W. COMLEY  
CATHLEEN A. MARTIN  
STEPHEN G. NEWMAN  
JOHN A. RUTH

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

April 7, 2005

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

**FILED**

APR 07 2005

Missouri Public  
Service Commission

Re: Computer Network Technology Corporation  
Case No. XM-2005-0283

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of an Application for Rehearing.

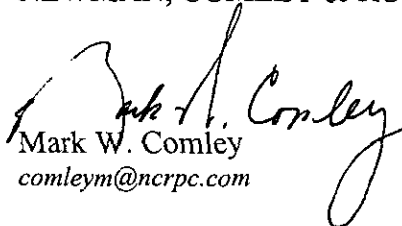
Would you please bring this filing to the attention of the appropriate Commission personnel.

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

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  
Brian McDermott

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

APR 07 2005

Application of Computer Network Technology )  
Corporation, Condor Acquisition, Inc., )  
McDATA Corporation and )  
their respective Subsidiaries for Approval )  
of Merger and Transfer of Control )

Missouri Public  
Service Commission

Case No. XM-2005-0283

**COMPUTER NETWORK TECHNOLOGY CORPORATION'S  
APPLICATION FOR REHEARING**

COMES NOW Computer Network Technology Corporation ("CNT") and pursuant to Section 386.500 RSMo. 2000 and 4 CSR 240-2.160 moves and applies for a rehearing or modification of the Commission's Order Approving Merger and Directing Filing entered on March 29, 2005 (the Order). In support thereof, Applicant states as follows:

1. On March 29, 2005 the Commission issued its Order Approving Merger and Directing Filing. The Order bears an effective date of April 8, 2005. This Application for Rehearing, therefore, is timely filed pursuant to Section 386.500 and 4 CSR 240-2.160.

2. In Ordered paragraph 2 of the Order, the Commission directed CNT to notify its Missouri customers of the approval of the transaction and advise them of their right to seek service from another carrier. CNT requests that the Commission remove this requirement from the order or modify the nature of the notice.

3. The transaction approved in this case was a transfer of control of CNT from CNT to McDATA Corporation ("McDATA"). This was not a case involving the sale of CNT's assets to another carrier and as explained in the application, service to CNT's customers will not be interrupted or affected by this merger and change of control. After the consummation of the transaction, CNT will retain its authorization and will continue to provide services to its

customers.

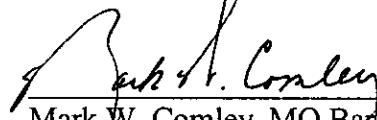
4. CNT currently has three customers in Missouri and will, if the Commission deems it necessary, notify them that a change in the control of the company has been approved, but that no change in service arrangements are involved and CNT will continue to provide their service. A notice advising the customers of the right to change suppliers would be confusing to the customers, and in fairness to them and the company alike, would not be in the public interest.

WHEREFORE, CNT respectfully requests that the Commission grant its application for rehearing and issue a revised order either removing the requirement that CNT notify its Missouri customers of the transaction and advise them of their right to seek service from another carrier, or modify the order to require a notice, in effect, that a change of control and merger has been approved that will not affect CNT's service to the customer.

Respectfully submitted,

**Computer Network Technology Corporation  
Condor Acquisition, Inc.  
McDATA Corporation**

By:



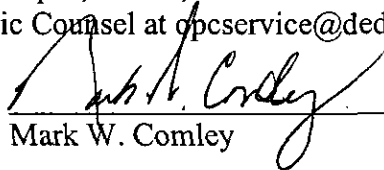
Mark W. Comley, MO Bar #28847  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
(573) 634-2266  
(573) 636-3306 FAX

William B. Wilhelm, Jr.  
Brian McDermott  
Joshua S. Lamel  
SWIDLER BERLIN LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007-5116  
(202) 424-7500  
(202) 424-7645 (FAX)

**Their Attorneys**

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 7th day of April, 2005, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us); Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us).

  
\_\_\_\_\_  
Mark W. Comley