

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

In the matter of the Joint Application of)	
)	
COMTEL TELCOM ASSETS LP)	
)	
and)	Case No. TM-2006-0186
)	
VARTEC TELECOM, INC., EXCEL)	
TELECOMMUNICATIONS, INC. AND)	
VARTEC SOLUTIONS, INC.)	
)	
for Approval of a Transfer of Assets)	

**MOTION FOR MODIFICATION OR CLARIFICATION OF ORDER
APPROVING SALE OF ASSETS**

1. By Order issued February 3, 2006, with an effective date of February 6, 2006, the Commission approved Joint Applicants’ application for approval of a sale of assets to Comtel Telcom Assets LP.

2. As a condition of that approval, the Commission directed the Applicants to send a customer notice at least thirty days prior to the effective date of the change to all subscribers notifying the subscribers of the change (4 CSR 240-33.150(4)), and incorporating the information required for such notices, as set forth in 4 CSR 240-3.520(6)(G). See Order, pp. 3-5.

3. Applicants currently project that the sale of assets will close in late May 2006, and it is their intention of giving notice to all of their customers (nationwide) on or about March 14, 2006. Applicants will include in the customer notice all of the information required by rules 4 CSR 240-33.150(4) and 4 CSR 240-3.520(6)(G).

4. Applicants note, however, that the Order specifies that such notice be given “in each subscriber’s bill”. (Order, p. 5, ¶3.) Because a requirement to place such notice in subscriber bills, rather than in a letter to each subscriber, would entail significant delays in notifying subscribers and substantial additional costs associated with providing the notices within bills, Applicants respectfully request that the Order be modified or clarified to permit Applicants to provide the required information to their subscribers by letter, rather than in billing inserts.

5. A significant number of Applicants' Missouri customers receive their bills through local exchange carriers. Applicants have investigated and been informed that it could take at least 90 days to have notices inserted in these LEC-bills, and that the cost of these inserts could be in the tens of thousands of dollars.

6. With regard to Applicants' direct-billed customers, there would also be material additional costs (i.e., payments of tens of thousands of dollars to Applicant's outside billing vendors) in preparing special billing inserts to mail to subscribers. Perhaps more importantly, Applicants believe they can notify their subscribers in a more timely manner if they provide a letter to customers in a single mass-mailing that would take place in the middle of March. (If customer bills are utilized, notices would begin in mid-March, but because of the nature of Applicants' billing cycles, some customers would not get their notices until up to 30 days later. This same issue would also apply for the LEC bill notices mentioned above.)

WHEREFORE, Applicants respectfully request that:

- (1) The Commission's Order be clarified or modified to permit Applicants to send notices to all of their subscribers by letter at least 30 days prior to the change, with the letter to include all of the information prescribed by Commission rules 4 CSR 240-33.150(4) and 4 CSR 240-3.520(6)(G); and
- (2) That the Commission afford this request expedited review, so as not to negatively affect Applicants' proposed plan to send notices to its subscribers in mid-March.

Respectfully submitted,

BAKER STERCHI COWDEN & RICE, L.L.C.

/s/ David M. Eisenberg

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Dated: February 24, 2006