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April 28, 2004

Marc Poston
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**Re: Cass County Telephone Company, Case No. IR-2004-0354,
Kansas City Business Journal Request for Release of HC Exhibits.**

Dear Marc:

Cass County Telephone objects to the public release of the Highly Confidential exhibits from the on-the-record hearing on April 19, 2004, in response to the Kansas City Business Journal's request for these documents dated April 26, 2004.

First, the request is couched as a "Freedom of Information Act Request." The Freedom of Information Act only applies to agencies that are "authorities of the Government of the United States." 5 U.S.C. § 551(1).

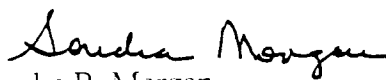
Secondly, even if the request is considered as a request under the Missouri Open Records Act, § 610.021(14) states that an agency is authorized to close "records which are protected from disclosure by law." We believe that the exhibits are protected from disclosure by the Protective Order issued in this case.

Third, if the request is considered to be directed to the Staff, then the Staff is prohibited by statute from disclosing the information except upon order of the Commission. § 386.480, RSMo 2000. If the request is considered to be directed to the Commission, then the release of the information is governed by the terms of the Protective Order issued in this case. Any challenges to the confidential nature of the exhibits must be made in conformity with the order, and Cass County Telephone must be given an opportunity to respond before the information is released to the public.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Sondra B. Morgan

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APPENDIX B