

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

Socket Telecom, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2007-0341
)	
CenturyTel of Missouri, LLC and)	
Spectra Communications Group, LLC,)	
d/b/a CenturyTel,)	
)	
Respondents.)	

**SECOND REQUEST FOR ORDER GRANTING
RESPONDENTS' MOTION TO STRIKE**

COME NOW CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively "Respondents"), pursuant to 4 CSR 240-2.080 (15), and for their *Second Request For Order Granting Respondents' Motion To Strike*, respectfully state as follows:

1. On November 26, 2007 Respondents filed their *Response To Socket Telecom's Motion For Leave To File Supplemental Brief and Respondents' Motion To Strike* wherein Respondents raised their continuing objections to Socket's improper attempts to supplement the record through its plethora of post-record filings, and, further moved the Commission to strike Socket's Supplemental Brief filed on November 13, 2007. On December 5, 2007 Socket made yet another filing. Respondents renew their prior *Motion To Strike*.

2. There is nothing whatsoever new in Socket's repeated and specious argument that it somehow is not "location portability" when its ISP affiliate physically relocates from rural southeast Missouri to metropolitan St. Louis and yet wants to keep the

telephone number originally assigned to it by Respondents. Continuing to repeat and re-argue a ludicrous proposition does not eventually somehow make the proposition true—even if accompanied by citations to new, but inapplicable, legal authority.¹

3. If this truly was a question of a new, clearly applicable federal precedent that marked a 180 degree change in federal law and FCC policy since the time this case was submitted, no additional briefs or argument is needed and the Commission presumably could easily dispose of the case in Socket's favor without delay. *Of course, no such fundamental sea change in applicable federal law or policy has occurred here.* Without such, it is the Respondents who continue to be entitled to have this case disposed of in their favor as a matter of currently applicable federal law.

4. That Socket will continue its improper and inappropriate post-record pleading spree unless immediately ordered to cease and desist by the Commission is again evidenced by Socket's most recent, redundant, and irrelevant filing of December 5, 2007. It should be the Commission--not Socket unilaterally--that controls the procedural schedule and determines the need, if any, for post-record submissions.²

¹ Socket's reliance on FCC precedent addressing only wireless-to-wireline scenarios or most recently VoIP scenarios, when the scenario at issue in this case is in the wireline-to-wireline context, is wholly misplaced. Even if the FCC cases relied on by Socket were somehow directly applicable here, the FCC still required the competitor carrier to have its own facilities within the originating rate center, even in the wireless and VoIP contexts. Here, of course, the record is clear that Socket has no local point of presence in either the Willow Springs or Ellsinore exchanges.

² Should the Commission for some reason desire post-record, additional submissions, it should issue an order requiring same. As a matter of Commission procedure, Respondents should not now be placed in the position of seeking leave of the Commission to file their own supplemental brief in order to have the opportunity to respond to Socket's improperly filed Supplemental Brief. Socket's attempt to unilaterally control the Commission's litigation process can be easily and most efficiently remedied by the Commission immediately granting Respondents' *Motion To Strike*, provided of course the Commission in its deliberations wholly disregards Socket's post-record submissions. While still procedurally deficient, to the extent the Commission believes it cannot "un-ring the bell", the Commission should order no further submissions except for giving Respondents a reasonable amount of time to file a Reply Brief wherein Respondents can fully respond to each and every erroneous allegation made by Socket in its myriad post-record submissions.

5. The Commission's own rules and complaint case procedures, along with fundamental due process for the Respondents, mandate that the Commission disregard and immediately strike not only Socket's purported Supplemental Brief, but all its argument and its so-called "evidence" that it has attempted to submit after the simultaneous filing of the parties' briefs on September 10, 2007.³

WHEREFORE, Respondents move the Commission to disregard and immediately enter its order striking Socket's Supplemental Brief, and its other post-record argument and attempted evidentiary submissions, until such time as the Commission issues its decision in this proceeding or otherwise directs the parties to submit further filings.

Respectfully submitted,

/s/ Charles Brent Stewart

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by electronic mail or mailed, First Class postage prepaid, to the attorneys of all parties of record in Case No. TC-2007-0341 on the 17th day of December 2007.

/s/ Charles Brent Stewart

³ The record reflects that Socket itself agreed upon the simultaneous filing of one round of briefs on September 10, 2007.