

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

In the Matter of the Filing of New Tariff	)	
Sheets for Socket Telecom, LLC, to	)	<b><u>Case No. TT-2005-0089</u></b>
Provide a Market Trial for Free Local	)	Tariff File No. JC-2005-0165
Exchange Services.	)	

**CENTURYTEL'S RESPONSE  
TO SOCKET TELECOM'S REQUEST TO RECONSIDER  
AND SET ASIDE ORDER SUSPENDING TARIFF**

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to 4 CSR 240-2.080 and the Missouri Public Service Commission's ("Commission") Order Directing Response entered in this matter on October 12, 2004, and for its Response to Socket Telecom's Request to Reconsider and Set Aside Order Suspending Tariff respectfully states as follows:

1. As the Commission's Order Directing Response reflects, on October 12, 2004, Socket Telecom filed a pleading asking the Commission to reconsider its order suspending the proposed tariff that is the subject of the instant proceeding. As a result, the Commission ordered that, no later than October 15, 2004, CenturyTel shall file a response to that pleading. CenturyTel welcomes the opportunity to respond to Socket Telecom's request, and to further support the Commission's decision to suspend the subject tariff.

2. In response to Socket Telecom's proposed tariff filing, CenturyTel reviewed similar market trial tariffs that had been approved for companies operating in its service territory, and pointed out to the Commission that such tariffs typically had specific beginning and ending dates. Additionally, in its

pleading, Socket itself acknowledges that the referenced tariffs contemplated the service providers charging rates that are competitively priced to similar services offered by the incumbent local exchange carrier. As the Staff recommendation in the Time Warner trial tariff notes, such trials are used to test system capabilities. “Staff wishes to note that Time Warner’s market trial proposal is similar to the market trial tariff offerings of AT&T and Fidelity Communications Services previously approved by the Commission. Such market trials allow companies to, among other matters, test the capabilities of offering telephone service over cable T.V. facilities.” The Time Warner trial included Voice Over Internet Protocol local telephone service.

3. As referenced above, AT&T’s Local Market Trial tariff contained the following section regarding rates:

#### 1.1.5 Rates

Residential exchange services offered as part of a local market trial will be competitively priced with comparable services offered by the incumbent local exchange company.

These rates may or may not reflect what the Company will actually be charging Customers at the close of the market trial.

Various charges (e.g., service order charges, installation charges, etc.), may be waived during the course of a market trial.

This latter section is similar to many promotional offerings where particular non-recurring charges may be waived.

4. Socket Telecom criticizes CenturyTel’s research regarding similar trial tariffs as incomplete and erroneous, and offers a tariff filing by SBC Missouri, Inc. as support for the “framework” of its tariff proposal. As explained above,

CenturyTel researched filings relating to its service territory and, of course, an SBC Missouri, Inc. tariff would not apply in its service territory and would have no direct impact on the Company or its customers. More important, however, there are striking differences between the two tariffs. SBC Missouri's tariff is clearly focused on (and so titled) Operational Readiness Testing, and specifically provided "*for the limited purpose of operational readiness testing of the billing system and associated systems (such as service ordering, customer records, etc.).*" In addition, "Each billing system tests will be limited to *no more than five customers. . . . At or before the end of the eight week testing period, the Telephone Company will either make a tariff filing to add the product or service to its tariff or discontinue the test.*" (Emphasis added).

5. Rather than *testing*, Socket Telecom's offering appears to be clearly focused on marketing as well. "Socket Telecom also needs to understand what services customers may desire and be willing to purchase." (Request, ¶ 7, page 3). To help gain this "understanding," Socket can target 50 business customers in CenturyTel's Columbia exchange, and offer them free service for perpetual 3-month periods of time, or as long as needed. Socket would suggest that it "arrived at the number of 50 trial participants because it envisioned that multiple trials maybe underway simultaneously in multiple exchanges. Thus, in one exchange, there may only be one or two participants but in total there may only be a maximum of fifty trial participants in the state." (Request, ¶8, pages 3-4). *May* is clearly the operative word. Conversely, under the terms of the proposed tariff, the above-described scenario of targeting 50 business customers

in any one exchange is clearly permitted. (Pursuant to Socket Telecom's PSC Mo No. 2, Section 4 Local Service and Rates, 4.1 General: "Local service is currently only available to business customers.").

6. The Special Promotions tariff of CenturyTel attached to Socket Telecom's pleading is totally inapposite to the proposed tariff at issue. CenturyTel's promotional service offerings reflected therein are entirely consistent and in conformance with promotional programs contemplated by Section 392.200.2, RSMo 2000 and routinely approved by the Commission.

7. CenturyTel would respectfully suggest that the baseless and irrelevant *ad hominem* arguments and allegations contained in Paragraphs 4, 9 and 11 of Socket Telecom's pleading should be summarily rejected by this Commission.

WHEREFORE, CenturyTel of Missouri, LLC respectfully requests that the Commission deny Socket Telecom's Request to Reconsider and Set Aside Order Suspending Tariff.

Respectfully submitted,

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed this 15th day of October, 2004, to:

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