

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

In the Matter of the Investigation of)	
Aristotle Unified Communications, LLC)	<u>File No. TO-2023-0436</u>
Related to the Connect America Fund)	
Phase II Auction)	

STAFF RESPONSE AND MOTION TO LATE-FILE EXHIBITS

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its *Response and Motion to Late-File Exhibits* in this matter states as follows:

1. On January 3, 2024, Aristotle filed a *Motion to Strike* portions of Staff's *Initial Brief* or in the alternative to accept two affidavits provided by Aristotle responding to statements made in the *Initial Brief*. The Affidavit of Carl Hardwick includes information about the customer service process at Aristotle and the Affidavit of James Norris which includes information about the Facebook advertisements that Aristotle's witness testified about at the evidentiary hearing.

2. Staff now responds to that *Motion* in accordance with the Commission's *Order* of January 4, 2024. Staff proposes to late-file as exhibits with the authorization of the Commission, the data request responses referenced in its *Initial Brief*. These responses were provided by Aristotle to Staff in response to properly served data requests through the discovery process. The Company did not indicate whether these responses are confidential, however, the responses were provided privately to Staff and therefore, Staff files them as confidential in their entirety. Staff also seeks to late-file as an exhibit the Affidavit of Kari Salsman and asks that if the Commission accepts the filing of the Affidavit of Carl Hardwick that it also accept the filing of the Affidavit of Kari Salsman.

3. Staff now states that it does not oppose the admission of the Affidavit of Carl Hardwick as containing information that properly responds to the incident referenced in Staff's *Initial Brief*. But Staff does oppose the Affidavit of James Norris as the examples attached to such Affidavit have no identifying information to verify them and are nearly impossible to view in their current state.

WHEREFORE, Staff prays that the Commission will accept this *Response and Motion*; will accept the submission of Staff's late-filed exhibits; will accept the submission of Aristotle's Affidavit of Carl Hardwick; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Whitney Scurlock

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 9th day of January, 2024, to all counsel of record.

/s/ Whitney Scurlock