

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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

**ARISTOTLE’S REPLY TO STAFF’S RESPONSE AND MOTION TO LATE-FILE
EXHIBITS**

Aristotle Unified Communications LLC¹ (Aristotle) pursuant to 20 CSR 4240-2.130 and 20 CSR 4240-2.080(13) replies to Staff’s Response to Aristotle’s Motion to Strike and Staff’s Motion to Late-File Exhibits as follows:

1. For reasons stated in its Motion to Strike, Aristotle continues to object to and move to strike the reference to a post-hearing telephone call by a staff member in the first two full sentences on page 5 of Staff’s Brief, the reference to a post-hearing online advertising search by a staff member in the last full sentence on page 9 and the sentence that carries over from page 9 to page 10, and footnotes 22, 25-29, and 48-49 and the references therein to Staff DRs that are not in evidence. Further, for the same reasons Aristotle opposes Staff’s Motion to Late-File Exhibits. The record in this case was closed at the conclusion of the hearing, and the aforesaid information presented in Staff’s Brief was not subject to cross-examination.

2. Solely in the alternative, pursuant to 20 CSR 4240-2.130(16) Aristotle seeks post-hearing admission of Exhibit 201 Affidavit of Carl Hardwick and Exhibit 202 Affidavit of James Norris, which provide sworn responses to the aforesaid extra-evidentiary references made by Staff in its Brief. In connection with the filing of this Reply, Aristotle has refiled the Norris affidavit with more legible attachments.

¹ Aristotle has submitted for a name change to Aristotle Unified Communications, Inc., see RN-2024-0211 and DN-2024-0210.

3. Because Staff has offered a post-hearing affidavit, and again solely in the alternative to its objections, Aristotle seeks post-hearing admission of Exhibit 203, the Affidavit of Grant Bodiford in response to Staff's post-hearing Salsman affidavit, which shows that the response described therein and attributed to Aristotle was not in compliance with Aristotle's training and policies.

WHEREFORE, Aristotle requests that the Commission strike the extra-record references from Staff's Brief and deny Staff's Motion to Late-File, or in the alternative that the Commission admit Exhibits 201, 202, and 203 into the record.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via email this 17th day of January, 2024 on all counsel of record.

/s/ Carl J. Lumley

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