

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

Complaint of

Charter Fiberlink, LLC Seeking Expedited
Resolution and Enforcement of Interconnection
Agreement Terms Between Charter Fiberlink-
Missouri, LLC and CenturyTel of Missouri, LLC

Case No. _____

MOTION FOR EXPEDITED TREATMENT

Pursuant to Missouri Code of State Regulations, 4 C.S.R. 240-2.080(16) Charter Fiberlink-Missouri, LLC ("Charter") hereby files this motion to request that the Missouri Public Service Commission ("PSC" or "Commission") provide expedited treatment to the complaint filed by Charter ("Complaint") concurrent with this motion.

Charter respectfully requests that the Commission act in an expedited fashion and rule on the first claim in the Complaint ("Count 1") concerning CenturyTel of Missouri LLC's ("CenturyTel") threat to unilaterally stop processing orders from Charter unless Charter agrees to pay certain disputed charges to CenturyTel. CenturyTel has threatened to take these actions, in what would essentially amount to disconnection actions, if Charter does not pay these disputed charges on, or before, **August 28, 2007**.

Accordingly, Charter moves the Commission to act before that date and rule that CenturyTel is not permitted to take unilateral actions to disconnect Charter; or, in the alternative, if the Commission is not prepared to rule on the merits, the Commission could simply issue a "standstill" order that requires CenturyTel to continue processing Charter orders, and not to take any unilateral action in that regard, pending the adjudication by this Commission of the billing

dispute claims set forth in the Complaint. In support of this motion, and pursuant to 4 C.S.R. 240-2.080(16)(A)-(C), Charter states as follows:

I. Date of Requested Commission Action

Charter asks that the Commission act on or before **August 28, 2007**, the date by which CenturyTel has threatened to discontinue processing all service requests from Charter.

II. Harm That Will be Avoided by Commission Action

Charter seeks an expedited ruling from the Commission to enforce the terms of the parties' interconnection agreement which require CenturyTel to respond to subscriber requests to "port" (or transfer) their telephone numbers from CenturyTel's network to Charter's network. If CenturyTel's actions are not enjoined by this Commission, CenturyTel will stop providing number portability to telephone subscribers in Missouri that wish to initiate service with Charter. That, in turn, will cause significant harm to Charter's reputation and goodwill in Missouri.

As this Commission knows, most telephone consumers wish to keep their telephone numbers when moving to a new service provider. For that reason, competitors like Charter must provide fast and efficient number porting to meet consumer demands. Therefore, if CenturyTel's unilateral decision to stop porting telephone numbers from its own network is allowed to stand, that will have the perverse effect of preventing Charter from providing competitive telephone service to telephone subscribers in Missouri that wish to port their numbers *away from* CenturyTel. Without the ability to port their telephone numbers, consumers are unlikely to leave their incumbent provider for the benefits of competitive telephone service offerings like those offered by Charter.

The porting process is critical to Charter's operations and its ability to successfully compete in the communications market by obtaining new customers. In June, Charter ported [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] customers from CenturyTel, meaning that approximately [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] customers each week moved to Charter as their new, preferred telecommunications provider. In July, Charter ported [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] customers from Century Tel, allowing approximately [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] customers each week to move to Charter as their new, preferred telecommunications provider. In the first full week of August, Charter ported [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] customers from CenturyTel. These figures demonstrate that it is vital that the porting process continue unabated to ensure that consumers can continue to retain their telephone numbers and avail themselves of competitive service offerings, like those offered by Charter.

Further, if CenturyTel's actions are not enjoined, they will have a significant adverse effect upon the overall level of competition in Missouri. Subscribers seeking competitive telephone services offered by Charter will be unable to avail themselves of such service, unless they agree to give up their telephone numbers. As a result, not only will CenturyTel's actions affect individual customers, but it will also affect the overall level of competition in the market, thereby decreasing the opportunities for consumers to benefit from truly competitive service offerings.

Thus, if expedited relief is not provided by the Commission, Charter will face significant harm, either by being forced to turn away potential new subscribers; or, in the alternative, by being forced to pay CenturyTel's disputed charges under duress.

III. Pleading Timely Filed

This pleading, and the accompanying Complaint, were filed as soon possible. After Charter received notice of CenturyTel's intended unilateral actions, counsel for Charter immediately initiated the work of preparing the papers necessary to seek the Commission's action on an expedited basis.

IV. Request for Relief

For the reasons set forth above, Charter respectfully requests that the Commission act in an expedited fashion and rule on the first claim in Charter's Complaint ("Count 1") concerning CenturyTel's threat to unilaterally stop processing Charter orders unless Charter pays certain disputed charges to CenturyTel. In the alternative, the Commission could ensure that the above-described harm will be avoided if the Commission issues a "standstill" order that requires CenturyTel to continue processing Charter orders, and not to take any unilateral action to stop processing such orders, pending the adjudication by this Commission of the billing dispute claims set forth in the Complaint.

Such action is necessary on, or before, **August 28, 2007**, after which time CenturyTel has threatened to take these actions, in what would essentially amount to disconnecting Charter.

For the foregoing reasons, Charter respectfully requests that the Commission issue an order granting the relief requested herein.

Respectfully submitted,

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