

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

Staff of the Public Service Commission)	
of the State of Missouri,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2005-0357
)	
Cass County Telephone Company)	
Limited Partnership, and)	
Local Exchange Company, LLC,)	
)	
Respondents.)	

**LOCAL EXCHANGE COMPANY’S MOTION SEEKING LEAVE TO FILE A
RESPONSE IN SUPPORT OF ITS MOTION TO DISMISS**

COMES NOW Local Exchange Company, LLC (“LEC”) and hereby moves for leave to file a Response in Support of its Motion to Dismiss. In support of this Motion, LEC offers the following:

1. On May 13, 2005, LEC filed its Motion to Dismiss on two bases: (1) this agency, the Missouri Public Service Commission (the “Commission”) lacks jurisdiction over LEC; and (2) the Complaint herein fails to state a claim against LEC because it neither alleges wrongdoing by, nor seeks relief from, LEC.

2. On May 23, 2005, the Staff of the Commission (“Staff”) filed its Reply to LEC’s motion.

3. The rules governing complaint cases set out in the Code of State Regulations do not address whether a moving party may file a Response in support of a motion to respond to the Staff’s Reply. Accordingly, LEC hereby requests leave for it to file a very brief Response to the Staff’s Reply.

4. LEC's Response is necessary because the Staff's Reply to LEC's motion to dismiss raised (for the first time) its purported basis for naming LEC as a Respondent in this case: that LEC would be liable for any penalty awarded in favor of the Commission and against Cass County Telephone Company ("CassTel"), because LEC is CassTel's general partner.

5. The Staff did not raise this claim as a basis for jurisdiction over LEC in the Complaint. LEC respectfully requests that it be afforded an opportunity to respond to that claim before the Commission rules on LEC's motion to dismiss.

6. LEC does not seek leave to respond for purpose of delay. LEC will prepare its Response as quickly as possible and will file its proposed Response, limited to this issue, within a short time.

For these reasons, LEC respectfully requests that the Commission grant it leave to file a Response in support of its motion to dismiss.

Respectfully submitted,

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ATTORNEYS FOR LOCAL EXCHANGE
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2005 a copy of the foregoing was served via e-mail on the following:

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