

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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. LC-2008-0049

CENTURYTEL OF MISSOURI, LLC'S
APPLICATION FOR REHEARING AND CLARIFICATION

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to Section 386.500, RSMo. 2000, 4 CSR 240-2.160 and 47 USC 252, and for its Application for Rehearing and Clarification respectfully states to the Commission:

1. On October 21, 2008, the Commission issued its Report and Order ("Order") in this proceeding bearing an effective date of October 31, 2008. The primary dispute in this matter involved administrative processing services that CenturyTel performed for Charter, at Charter's request, in connection with service orders through which Charter requested the porting of phone numbers from CenturyTel. Contrary to Charter's erroneous contention, the Commission correctly concluded in its Order that federal law does not prohibit CenturyTel from charging for such services. Nevertheless, the Commission ultimately concluded that neither the parties' Interconnection Agreement ("ICA" or "Agreement") nor the documents to which the Agreement refers, provide a charge for such porting requests.

2. CenturyTel seeks rehearing of the Commission's Order because the Commission acted unlawfully, unjustly and unreasonably, and erred in reaching its decision and issuing its Order in the following respects:

(a) The Commission erroneously construed, interpreted and determined that the ICA, applicable tariffs, and Local Service Request (LSRs) orders submitted by Charter to CenturyTel did not allow for or provide the charging of Administrative service order charges in relation to the processing of porting request orders, and in so ruling, incorrectly denied CenturyTel's counterclaim in the amount of \$128,844.45 and further incorrectly determined that CenturyTel was obligated to refund Charter the sum of \$68,867.69 to Charter.

(b) The Commission failed to recognize and determine amounts due and owing CenturyTel under the Agreement for Customer Record Searches ("CSRs") in the undisputed amount of \$9,799.35.

(c) The Commission's decision regarding Issues One (1), Two (2) and Four (4) is arbitrary, capricious, constitutes an abuse of discretion, is unsupported by the substantial and competent evidence, is against the weight of the evidence considering the whole record, and fails to contain adequate findings of fact and conclusions of law set forth in the Order in a sufficient unequivocal affirmative manner that a reviewing court could properly review the decision to determine if it was reasonable.

ALTERNATIVE REQUEST FOR CLARIFICATION

3. Without prejudice to the allegations and relief requested in its application for rehearing herein, CenturyTel also requests clarification of the Commission's Order as follows. As discussed above, the Commission failed to determine and conclude that Charter owes CenturyTel the sum of \$9,799.35 for charges associated with Customer Record Searches. Under Issue 5 (page 12 of the Commission's Order), the Commission specifically concluded that Charter failed to sustain its burden of proof to demonstrate the alleged invalidity of CenturyTel's charges associated with processing Charter's CSR orders (Customer Record Search orders

submitted by Charter). This Commission further concluded that the Interconnection Agreement expressly provided a charge in the amount of \$4.21 for CenturyTel's processing of customer record searches submitted by Charter. The Commission also found that "Charter's reason for not paying this charge, that CenturyTel has not performed the work, therefore fails."¹ The uncontroverted record in this case — provided in Pam Hankins's Direct Testimony (Exhibit 8, Schedule PH3) establishes that the total billed charges for customer record searches on Charter account number 301644892 totaled \$6,688.16. Further, the total customer record search charges contained on Charter account number 405601334 totaled \$3,111.19. Added together, the total customer record search charges lawfully charged by CenturyTel to Charter equals \$9,799.35. However, the Commission's Order failed to make any recognition of those lawful charges due and owing to CenturyTel in rendering its final decision, and CenturyTel is entitled to a determination and decision in its favor in that amount, whether as an offset against any refund it may ultimately be required to pay to Charter or alternatively as a specific finding and decision in its favor.

¹ Order at pg. 13.

WHEREFORE, for all the reasons set forth herein, the Commission should grant CenturyTel's Application For Rehearing of its Report and Order issued in this case and find in favor of CenturyTel; alternatively, the Commission should clarify its Report and Order as requested by CenturyTel herein.

Respectfully submitted,

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Certificate of Service

I hereby certify that on the 30th day of October, 2008, I served the foregoing CenturyTel of Missouri, LLC's Application for Rehearing and Clarification on the following persons via electronic mail:

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