

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Petition of Charter Fiberlink-Missouri, LLC for Arbitration of Interconnection Agreement Between CenturyTel of Missouri, LLC, and Charter Fiberlink-Missouri, LLC.

Case No. TO-2009-0037

**CHARTER FIBERLINK-MISSOURI'S RESPONSE
TO CENTURYTEL OF MISSOURI'S MOTION
FOR RECONSIDERATION**

COMES NOW Charter Fiberlink-Missouri, LLC ("Charter") by and through its attorneys, pursuant to the Commission's recent Order issued on August 11, 2008, Charter hereby responds to CenturyTel of Missouri, LLC's ("CenturyTel") Motion for Reconsideration of the Commission's *Order Requiring Expedited Response and Scheduling Initial Arbitration Meeting* issued in this proceeding on August 8, 2008.

For the reasons stated below, Charter does not oppose CenturyTel's request that the 25 day response period be re-established. However, Charter does oppose CenturyTel's request that the Arbitrator vacate his tentative conclusion to reserve September 9-12, 2008 for an evidentiary hearing dates, or to otherwise modify the schedule in this proceeding.

1. Because this proceeding is governed by Section 252 of the Act, and the statutory timeframes therein, Charter does not oppose CenturyTel's request that the Commission re-establish the time frame for CenturyTel's response using the twenty-five (25) day period.

2. However, Charter does object to CenturyTel's other requested relief. Specifically, Charter opposes CenturyTel's request: (i) that the Commission vacate the Arbitrator's tentative conclusion to set the evidentiary hearing for the week of September 9-12, 2008; and (ii) that the

Commission hold in abeyance any further efforts to establish dates relevant to the conclusion of this arbitration proceeding.

3. To that end, Charter expects that the Commission will render its decision in this proceeding within the statutory timeframe set forth under Section 252 of the Act of 1996 and the Commission's arbitration rules. Consistent with that framework, the Arbitrator properly determined that the Arbitrator's Final Report must be completed by September 29, 2008. Therefore, the Arbitrator's tentative reservation of dates for a hearing in this matter is reasonable, in light of the timeframes by which this proceeding must be concluded.

4. Further, CenturyTel has failed to identify any basis to support its request that the Commission refrain from setting any dates for the development of the record until the initial arbitration meeting.

WHEREFORE, Charter respectfully requests that the Commission deny CenturyTel's Motion for Reconsideration with respect to the request to vacate the Arbitrator's decision to tentatively reserve September 9-12, 2008 for an evidentiary hearing, or to otherwise modify the Arbitrator's preliminary decisions with respect to scheduling in this proceeding.

Respectfully submitted,

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Dated: August 11, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 11th day of August, 2008, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov; and Larry Dority at lwdority@sprintmail.com.

/s/ Mark W. Comley
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