BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

SPECTRA COMMUNICATIONS GROUP, LLC, D/B/A CENTURYTEL	)	
Complainant,	)	**CASE NO. IC-2008-0127**
v.	)	
SOCKET TELECOM, LLC,	)	
Respondent.	)	

SPECTRA'S MOTION TO CONSOLIDATE THE POST-INTERCONNECTION DISPUTE PROCEEDING BETWEEN SPECTRA COMMUNICATIONS GROUP, LLC, D/B/A CENTURYTEL, AND SOCKET TELECOM, LLC, WITH CASE NO. IC-2008-0068

Pursuant to Commission Rule 4 CSR 240-2.110(3), Spectra Communications Group, LLC, d/b/a CenturyTel ("Spectra") files this Motion to Consolidate the Post-Interconnection Dispute Proceeding Between Spectra Communications Group, LLC, d/b/a CenturyTel, and Socket Telecom, LLC ("Socket"), Case No. IC-2008-0127, with Case No. IC-2008-0068 ("Motion"), and respectfully shows the Commission the following:

I. INTRODUCTION

CenturyTel filed its Complaint Regarding Post-Interconnection Dispute Resolution ("CenturyTel Complaint") on September 5, 2007, initiating Case No. IC-2008-0068. Socket Telecom, LLC ("Socket") filed its Answer to Complaint and Counterclaim in that proceeding on or about October 12, 2007. Thereafter, the Commission issued an Order setting a November 13, 2007 filing deadline for CenturyTel's Answer to Socket's Counterclaim, and setting a November 14, 2007 prehearing conference in that proceeding (the "CenturyTel Action").

Separately, on October 26, 2007, Spectra Communications Group, LLC, d/b/a CenturyTel ("Spectra") also filed a Complaint Regarding Post-Interconnection Dispute Resolution ("Spectra Complaint"), initiating the instant case, Case No. IC-2008-0127 (the "Spectra Action"). The Spectra Complaint against Socket asserts claims that are virtually identical to those set forth in the prior CenturyTel Complaint. The Notice of Complaint and resulting deadline for Socket's Answer to the Spectra Complaint was issued on October 29, 2007, and Spectra anticipates that Socket will file an answer and counterclaim virtually identical to that which it filed in the CenturyTel Action.

II.
ARGUMENTS AND AUTHORITY

Commission Rule 4 CSR 240-2.110(3) authorizes the Commission to consolidate pending actions when those actions present "related questions of law or fact" or otherwise when necessary "to avoid unnecessary costs or delay." Spectra respectfully moves the Commission to consolidate this Spectra Action with the first-filed CenturyTel Action in Case No. IC-2008-0068 because these companion cases present related questions of law and fact, and consolidation would promote more efficient resolution by alleviating unnecessary costs and delay on the parties.

A. The CenturyTel Action and the Spectra Action Present Related Questions of Law and Fact.

In early 2006, the parties attempted to jointly negotiate separate CenturyTel-Socket and Spectra-Socket interconnection agreements. Thereafter, the parties jointly arbitrated unresolved issues in both of those agreements before the Commission in Case No. TO-2006-0299. While arbitrated in a single proceeding, the Commission approved separate interconnection agreements between CenturyTel and Socket, and between Spectra and Socket. With a few notable

exceptions that are not relevant to the instant actions, Socket's approved interconnection agreements with CenturyTel and Spectra, respectively, contain virtually identical substantive provisions.

Consequently, the disputes at issue in the CenturyTel and Spectra Actions are virtually identical. Specifically, they both pertain to the compensation arrangements that govern the parties' exchange of Local Traffic, Section 251(b)(5) Traffic and ISP Traffic. In their respective actions, CenturyTel and Spectra each asserts that its agreement applies "bill-and-keep" to the exchange of such traffic. In both actions, Socket asserts that "reciprocal compensation" applies.[1]

The resolution of both disputes turns on the proper interpretation of contract language, and the same contract language exists in both the CenturyTel-Socket and Spectra-Socket interconnection agreements. Thus, the Commission would necessarily need to apply the same legal principles of contract interpretation and/or construction in both actions. Consolidating the actions would allow the Commission to apply such principles once.

Moreover, to the extent that facts related to the parties' negotiation history and actions during the prior Section 252(b)(1) arbitration become relevant to the resolution of these actions, the CenturyTel-Socket and Spectra-Socket agreements were jointly negotiated and jointly arbitrated. As a result, the facts relevant to the negotiation and arbitration histories of both agreements are inextricably related.

B. Consolidating the CenturyTel and Spectra Actions Will Avoid Unnecessary Costs and Delay.

Given the common questions of law (and, potentially, common questions of fact) identified above, the parties would incur unnecessary costs if each action was required to

[1] While Socket has not yet answered the Spectra Complaint, it is anticipated, based on Socket's representations during dispute resolution efforts, that Socket also will assert its entitlement to reciprocal compensation from Spectra.

proceed independently. For example, the same motions likely would be filed, and the same witnesses likely would be called, in each action. Moreover, the Commission would unnecessarily have to determine the same legal issues and weigh the same evidence twice. By consolidating the actions, the parties and the Commission would put their time and resources to more effective and efficient use.

Finally, if allowed to proceed simultaneously on independent tracks, the CenturyTel and Spectra Actions may be needlessly subjected to different procedural schedules. By consolidating these actions now, the parties will be in a position to discuss a single procedural schedule at the November 14, 2007 prehearing conference in Case No. IC-2008-0068, and to jointly prepare a proposed procedural schedule to govern both actions by November 28, 2007, the deadline already established by the Commission for the joint filing of a proposed procedural schedule in the CenturyTel Action.

III.
PRAYER

WHEREFORE, based on the foregoing, Spectra respectfully requests that the Commission issue an Order:

(i) consolidating this Case No. IC-2008-0127 with the first-filed CenturyTel Action, Case No. IC-2008-0068; and

(ii) requiring that the consolidated actions proceed pursuant to a single procedural schedule.

DATED: October 30, 2007

Respectfully submitted,

FISCHER & DORITY, P.C.

/s/ Larry W. Dority

Larry W. Dority, #25617
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Tel.: (573) 636-6758
Fax: (573) 636-0383
Email: lwdority@sprintmail.com

HUGHES & LUCE, LLP

Gavin E. Hill
Texas State Bar No. 00796756
1717 Main Street, Suite 2800
Dallas, Texas 75201
Tel.: (214) 939-5992
Fax: (214) 939-5849
Email: gavin.hill@hughesluce.com

ATTORNEYS FOR SPECTRA COMMUNICATIONS GROUP, LLC, D/B/A CENTURYTEL

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at gencounsel@psc.mo.gov), the Office of the Public Counsel (at opcservice@ded.mo.gov), Socket Telecom, LLC (at rmkohly@sockettelecom.com) and counsel for Socket Telecom, LLC (at clumley@lawfirmemail.com; lcurtis@lawfirmemail.com) on this 30th day of October, 2007.

/s/ Larry W. Dority

Larry Dority