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October 11, 2002

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FILED<sup>3</sup>
OCT 1 1 2002

The Honorable Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102-0360

Missouri Public Service Commission

Re:

ROBERT K. ANGSTEAD

CATHLEEN A. MARTIN

STEPHEN G. NEWMAN

J. MATTHEW SHELLENBERGAR ALICIA EMBLEY TURNER

MARK W. COMLEY

JOHN A. RUTH

Tari Christ, d/b/a ANJ Communications, et al. v. Southwestern Bell Telephone Company,

L.P., d/b/a Southwestern Bell Telephone Company, et al.

Case No. TC-2003-0066

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of a Motion for Extension of Time to File Response to Respondents' Answers and Motions to Dismiss.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C

By:

Mark W. Comley

MWC:ab Enclosure

cc:

Office of Public Counsel

General Counsel's Office

Paul H. Gardner

Lisa Creighton Hendricks

Kenneth A. Schifman

Leo J. Bub

Larry W. Dority

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

BEFORE THE PUBLIC SERVICE CO	DMMISSION OF
THE STATE OF MISSO	URI FILED <sup>3</sup> ) ) ) ) 0CT 1 1 2002
Γari Christ, d/b/a ANJ Communications, Bev Coleman, an	OCT 1 1 2002
ndividual, Commercial Communication Services, L.L.C.,	) 5 12002
Community Payphones, Inc., Coyote Call, Inc.,	) Selvisseri Public ) Cemmission
William J. Crews, d/b/a Bell-Tone Enterprises,	) Commission
Illinois Payphone Systems, Inc., Jerry Myers,	) "aalan
d/b/a Jerry Myers Phone Co., John Ryan, an	)
individual, JOLTRAN Communications Corp.,	) Case No. TC-2003-0066
Bob Lindeman, d/b/a Lindeman Communications,	)
Monica T. Herman, d/b/a M L Phones,	)
Midwest Communication Solutions, Inc., Mark B.	)
Langworthy, d/b/a Midwest Telephone, Missouri	)
Public Pay Phone Corp., Missouri Telephone	)
& Telegraph, Inc., Pay Phone Concepts, Inc., Toni M.	)
Tolley, d/b/a Payphones of America North,	)
Jerry Perry, an individual, PhoneTel Technologies, Inc.,	)
Sunset Enterprises, Inc., Teletrust, Inc., Tel Pro, Inc.,	)
Vision Communications, Incorporated, Gale Wachsnicht,	)
d/b/a Wavelength, LTD.	)
	)
	)
Complainants,	)
	)
Southwestern Bell Telephone Company, L.P., d/b/a	)
Southwestern Bell Telephone Company,	)
Sprint Missouri, Inc., d/b/a Sprint, and	)
GTE Midwest Incorporated, d/b/a Verizon Midwest,	)
	)
Respondents.	)

## **MOTION FOR EXTENSION OF TIME TO FILE** RESPONSE TO RESPONDENTS' ANSWERS AND MOTIONS TO DISMISS

Come now the above named Complainants, by and through their attorneys of record, and pursuant to 4 CSR 240-2.050 (3) and 4 CSR 240-2.080(16) respectfully request an extension of time to respond to the Answers and Motions to Dismiss filed by the Respondents in the captioned matter. In support thereof, Complainants state the following to the Commission:

- 3, 2002, the Commission issued its Notice of Complaint directing the Respondents to file responses thereto within thirty days.
- 2. All the Respondents have filed with the Commission their Answers and Motions to Dismiss, and pursuant to 4 CSR 240-2080(16) Complainants' response to these pleadings is due no later than Monday, October 14, 2002, or the next business day.
- 3. The Respondents have contended that the complaint should be dismissed on grounds including that: 1) it is an impermissible collateral attack on their payphone rates; 2) the "filed rate doctrine" bars the complaint; 3) there are in insufficient number of complainants; 4) it involves retroactive ratemaking.
- 4. Complainants submit that the issues raised by the Respondents are sufficiently complex that more time than the ten days allowed for response by 4CSR 240-2.080(16) is justified. Complainants request another four days, up to and including, October 18, 2002 within which to file their response.
- 5. Complainants' request for additional time is not for purposes of delay of this cause, but rather for purposes of a full and fair opportunity to research the issues raised by the Respondents and prepare an appropriate response.

WHEREFORE prays the Commission grant an extension of time of four days, up to and including October 18, 2002, for the filing of a response to the Respondents' Answers and Motions to Dismiss.

Respectfully submitted,

Mark W. Comley

MBE# **2**8/847

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Attorneys for Complainants

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of October, 2002, a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivery, to:

Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102-7800 General Counsel's Office P.O. Box 360 Jefferson City, MO 65102

and by electronic mail and U.S. Mail, postage prepaid, to:

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