

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Petition of Charter Fiberlink-Missouri, LLC,)	
for Arbitration of Interconnection Rates, Terms,)	
Conditions, and Related Arrangements with)	<u>Case No. TO-2009-0037</u>
CenturyTel of Missouri, LLC, Pursuant to)	
47 U.S.C. § 252(b))	

ORDER GRANTING CENTURYTEL OF MISSOURI, LLC'S MOTION
FOR EXPEDITED TREATMENT, AND GRANTING IN PART, AND
DENYING IN PART, CENTURYTEL OF MISSOURI, LLC'S
MOTION FOR RECONSIDERATION

Issue Date: August 12, 2008

Effective Date: August 12, 2008

On July 31, 2008, Charter Fiberlink-Missouri, LLC filed its petition for arbitration with the Commission pursuant to the Telecommunications Act of 1996. The petition asks the Commission to arbitrate its unresolved issues with CenturyTel of Missouri, LLC.

Commission Rule 4 CSR 240-2.36.040(7) allows a respondent in an arbitration 25 days to respond. The Commission issued an order on August 8 that shortened CenturyTel's time to respond to 15 days.

On August 11, CenturyTel objected. CenturyTel states that while Commission rules give the Arbitrator some freedom to vary from the timelines set out in Chapter 36 of the Commission rules, that Chapter also requires the Arbitrator to follow the timelines set forth by Congress. And, because 47 U.S.C. § 252(b)(3) gives a respondent in an arbitration proceeding 25 days to respond to a request for arbitration, the Arbitrator cannot vary from that deadline. Further, CenturyTel objected to the Arbitrator's tentative reservation of

September 9-12 for an evidentiary hearing. Finally, CenturyTel asked for a ruling no later than August 12.

As ordered by the Commission, Charter responded later on August 11. Charter does not object to CenturyTel's request to receive the full 25 days to respond, as provided in 47 U.S.C. § 252(b). However, Charter believes the Arbitrator should keep the tentative reservation of September 9-12 for an evidentiary hearing, as the Commission's rules contemplate the Arbitrator submitting an initial arbitration report no later than September 29.

The Arbitrator concludes that CenturyTel's request to receive until August 25 to respond to Charter's arbitration petition is well taken, and will grant it. However, the Arbitrator will hold fast to the **tentative** evidentiary hearing dates of September 9-12, for the reasons listed by Charter. These dates are simply reserved; the Arbitrator has not yet ruled on when the hearing will be. The Arbitrator will not set hearing dates without first consulting with the parties at the August 19 initial arbitration meeting.

IT IS ORDERED THAT:

1. CenturyTel of Missouri, LLC's Motion for Expedited Treatment is granted.
2. CenturyTel of Missouri, LLC's Motion for Reconsideration is granted in part, and denied in part.
3. CenturyTel of Missouri, LLC, shall respond to the Petition for Arbitration filed by Charter Fiberlink-Missouri, LLC, no later than August 25, 2008.

4. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory Law
Judge and Arbitrator, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of August, 2008.