

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)	<u>Case No. LC-2008-0049</u>
Charter Fiberlink-Missouri, LLC and CenturyTel)	
of Missouri, LLC.)	

**RESPONSE IN OPPOSITION TO CHARTER'S MOTION TO
COMPEL THE PRODUCTION
OF INFORMATION AND DOCUMENTS**

For its Response in Opposition to Charter Fiberlink-Missouri, LLC's Motion to Compel the Production of Information and Documents¹, CenturyTel of Missouri, LLC ("CenturyTel") states as follows:

1. In its motion, Charter requests that the Commission compel CenturyTel to provide responses to Data Requests 2, 3, 5, 7, 8, 9, 12, 30 and 32. Charter filed its Motion to Compel before CenturyTel's responses to the data requests were due, under the parties' agreed-upon extension. Thus, Charter was anticipating a lack of response to each of the data requests listed above. Charter's anticipation, and the efforts taken to prepare its motion, were premature and in vain, as CenturyTel provided timely responses to each of the challenged data requests, with the exception of No. 30. As to Data Requests 2, 3, 5, 7, 8, 9, 12 and 32, Charter's motion is moot, as answers were timely provided.

2. As to Data Request No. 30, CenturyTel's objections are valid. Charter has given the Commission no justification for its request that CenturyTel identify "all" of the local exchange services that CenturyTel has provided to Charter in the state of Missouri. This data request is without temporal scope, and thus requires CenturyTel to search through years of

¹ This pleading is filed pursuant to Commission Rule 4 CSR 240-2.080(15).

records to try to identify all such services that have been ordered under any potential billing account number that may have been established by Charter. This is unduly burdensome, given that Charter has not established why it needs information regarding "all" local exchange services that CenturyTel has provided Charter. Charter has sought to put CenturyTel to the expensive, time-consuming and impossible task of identifying "all" local exchange services that have been provided to any potential Charter account for years on end.

3. Moreover, to the extent that the Commission is inclined to compel CenturyTel to respond to Data Request No. 30, CenturyTel needs more information from Charter in order to do so, and would require an extension of time to complete its answer. CenturyTel has no way of knowing whether Charter has any offices, affiliates or locations that order local exchange services through CenturyTel. In order to make that determination, CenturyTel would need a list of all such offices, locations and affiliates and associated billing account numbers, so that a more refined search of CenturyTel's records can be performed. Without that information, CenturyTel would have to search all of its records to determine each instance in which Charter, or some customer that may be affiliated with Charter, has ordered local exchange service from CenturyTel. Requiring CenturyTel to do so would be unreasonably burdensome, and Charter's request is overbroad.

Conclusion

Because CenturyTel has responded to all but one of Charter's data requests, and because CenturyTel lodged a proper objection to the one data request that it did not respond to, the Commission should deny Charter's Motion to Compel.

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Certificate of Service

I hereby certify that on the 13th day of March, 2008, I served the foregoing Response to Charter's Motion to Compel the Production of Information and Documents on the following persons via electronic mail and via first class mail. Because this document was filed electronically, it is being served both electronically and by hard copy, on the persons listed below, consistent with Commission rules and practice:

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