

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Illinois Independent Telephone Association)	
)	
Petition for initiation of an investigation of the)	
necessity of and the establishment of a)	Docket No. 00-0233
Universal Service Support fund in)	
accordance with Section 13-301(d) of)	
The Public Utilities Act.)	Cons.
)	
Illinois Commerce Commission)	
On Its Own Motion)	
)	Docket No. 00-0335
Investigation into the necessity of and,)	
if appropriate, the establishment of an universal)	
support fund pursuant to Section 13-301(d))	
of the Public Utilities Act.)	

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ILLINOIS COMMERCE COMMISSION

**REPLY TO AT&T'S RESPONSE
TO MOTION TO STRIKE**

NOW COMES, Harrisonville Telephone Company, by its attorneys, and hereby replies to the response of AT&T Communications of Illinois, Inc. ("AT&T") with respect to the Motions to Strike AT&T's Petition for Rehearing and/or Clarification and in support thereof states as follows:

1. AT&T's Response to the Motions to Strike basically argues that it should not matter that they failed to comply with the Commission's Rules regarding the filing of Applications for Rehearing. (83 Ill. Admin. Code 200.880). What AT&T does not do is explain why it failed to follow the Commission's Rules or why the Commission's Rule should not be interpreted consistent with the plain and clear reading of the language of the Rules. Section 200.880(c) provides for two types of Applications for Rehearing. The first type of Application for Rehearing is one which alleges new facts. This first type of Application for Rehearing specifically requires a verification. The second type of Application for Rehearing does not allege new facts. Section 200.880(c) provides that an Application for Rehearing which does not contain allegations of new facts does not

need to be verified. AT&T did not verify its Application for Rehearing notwithstanding the fact that it admitted that it contained allegations of new facts. Therefore, AT&T's Application for Rehearing was not properly filed.

2. AT&T also attempts to argue that it has cured the failure to comply with the Commission's Rule by late filing a verification with its Response to Leaf River's Motion to Strike. Clearly, AT&T's efforts in this regard must also fail. Section 200.880(a) specifically provides a 30 day timeline for filing Applications for Rehearing. AT&T's attempted verification attached to its Response to Leaf River's Motion to Strike was not filed within the time limit prescribed for Applications for Rehearing in the Rule. Therefore, AT&T's Application for Rehearing was not properly verified and was not properly filed within the time limits provided in the Rule.

3. The Commission should strike AT&T's Application for Rehearing.

WHEREFORE, Harrisonville Telephone Company respectfully request that the Commission strike the Petition for Rehearing and/or Clarification filed by AT&T Communications of Illinois, Inc.

Respectfully submitted,

HARRISONVILLE TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

00-0233/00-0335

The undersigned, TROY A. FODOR, hereby certifies that on the 2nd day of November, 2001, he served a copy of the foregoing instrument by personally delivering a copy thereof and/or mailing a copy thereof by electronic mail and/or United States Mail, postage prepaid, at Springfield, Illinois, to the individuals named on the attached Service List in envelopes plainly addressed to each of them.

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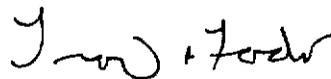
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