

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

In the Matter of the Application of Embark Missouri, Inc.,)
For Competitive Classification Under Section 392.245.5)
RSMo 2005.)

Case No. IO-2006-0551
Tariff No.YI-2007-0002

Concurring Opinion of Commissioner Steve Gaw

This Commissioner continues to have concerns that the telecommunications legislation passed in 2005 does not provide adequate protections to ensure that telecommunications rates will be just and reasonable. The threshold for competitive status under S.B. 237 eliminated the ability of the Commission to weigh factors including market share of competitors in an exchange in question in determining whether adequate competition exists to control prices. The recent rate hikes by AT&T of Missouri of basic local service and other services less than a year after receiving competitive status under the new act only increases this concern.

The case before this Commission, according to the evidence presented by the parties, meets the low threshold established by the new act therefore I concur in the decision.

Respectfully Submitted



Steve Gaw, Commissioner

Dated at Jefferson City, Missouri,
on this 20th day of July, 2006.