

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

In the Matter of the Application of Mercury)	
Voice and Data Company for Amendment of)	
Certificate of Service Authority to Expand its)	Case No. LO-2007-0150
Service Areas to Provide Basic Local Voice)	
Service in Additional Exchanges in the State)	
of Missouri and to Classify said Services and)	
the Company as Competitive.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant Mercury Voice and Data Company (Applicant), a certificate of service authority to provide basic local telecommunications service in the service areas of Embarq Missouri, Inc. d/b/a Embarq, CenturyTel of Missouri, LLC and Spectra Communications Group, d/b/a CenturyTel, conditioned upon certain access rate provisions. This grant of authority expands the existing authority previously granted to the Applicant under Case No. CA-2006-0483. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440 RSMo. (2000).)

2. Staff also recommends that the Commission maintain its classification of the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2.) All the services a competitive company provides must be classified as competitive. (See §392.361.3.)

3. Staff further recommends that the Commission waive the statutes and regulations listed in the Commission's *Notice of Applications* for competitive basic local exchange carriers. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. §§ 392.185, 392.361.5 and 392.420.

4. The Commission's rule at 4 CSR 240-3.510(1)(C) states that the applicant cannot lawfully provide service until tariffs are effective. As of the date of this filing, Applicant has not yet filed a tariff to provide service in any service area.

WHEREFORE, Staff recommends that the Commission grant a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by Embarq Missouri, Inc. d/b/a Embarq, CenturyTel of Missouri, LLC and Spectra Communications Group, d/b/a CenturyTel, and further conditioned upon the access rate provisions described in the Staff memorandum; renew its grant of competitive classification to the Applicant and its services; and waive the statutes and regulations listed in the Commission's *Notice of Applications*.

Respectfully submitted,

/s/ Jennifer Heintz

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of November 2006.

/s/ Jennifer Heintz