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EMBARQ™

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November 17, 2008

FILED²

NOV 20 2008

Office of the Secretary
ATTN: Data Center
Missouri Public Service Commission
P O. Box 360
200 Madison Street, Suite 650
Jefferson City, Missouri 65102

**Missouri Public
Service Commission**

Re: Interconnection, Collocation and Resale Agreement By and Between Birch Telecom of Missouri, Inc., d/b/a Birch Communications CLEC, and Embarq Missouri, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996

Dear Sir or Madam:

Please accept for filing with the Commission the Application of Embarq Missouri, Inc for Approval of an Interconnection, Collocation and Resale Agreement. Embarq requests the Commission approve the Agreement between the parties according to its procedures.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Craig T. Smith

CTS:kmm
Enclosure

Craig T. Smith
SENIOR COUNSEL
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NOV 20 2008

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

**Missouri Public
Service Commission**

In Re: Interconnection, Collocation and Resale)
 Agreement By and Between Birch Telecom of)
 Missouri, Inc., d/b/a Birch Communications and)
 Embarr Missouri, Inc. Pursuant to Sections 251)
 and 252 of the Telecommunications Act of 1996.)

Case No. _____

**APPLICATION OF EMBARR MISSOURI, INC. FOR APPROVAL
OF A MASTER RESALE AGREEMENT**

COMES NOW, Embarr Missouri, Inc., d/b/a Embarr ("Embarr") and files its Application for Approval of an Interconnection, Collocation and Resale Agreement ("Agreement") between Birch Telecom of Missouri, Inc., d/b/a Birch Communications ("Birch") and Embarr pursuant to the Telecommunications Act of 1996 (the "Federal Act"). In support of its application, Embarr states the following:

I. APPLICANT

Embarr is a Missouri corporation with offices at 319 Madison, Jefferson City, Missouri 65102. Embarr is authorized to transact business within the State of Missouri and is authorized by the Missouri Public Service Commission ("Commission") to provide basic local and interexchange telecommunications service within the state.

Embarr was originally incorporated in Missouri in 1929 as The United Telephone Company. A restatement of its certification was received in Case No. TA-88-87. Embarr has

received all necessary Commission and Secretary of State approvals for subsequent name changes and is a corporation in good standing in the State of Missouri.

Evidence of proper name registrations was most recently provided to this Commission in Case No. TO-97-53 (Re: United Telephone Company of Missouri's Adoption Notice Designed to Change the Company's Name to United Telephone Company of Missouri d/b/a Sprint), Case No. TO-98-107 (Application of United Telephone Company of Missouri d/b/a Sprint for Approval of Name Change to Sprint Missouri, Inc.) and Case No. TN-2006-0416 (Re Name Change Request of Sprint Missouri, Inc., to Embarq Missouri, Inc., d/b/a Embarq). Embarq requests that the information in those cases be incorporated herein by reference. To Embarq's knowledge there are no overdue assessments or annual reports nor are there any pending actions or final unsatisfied judgments or decisions against it involving customer service or rates occurring within the last three years.

II. INTERCONNECTION AND RESALE AGREEMENT

Embarq presents to the Commission its application pursuant to the terms of the Federal Act. Embarq Missouri, Inc., a Missouri corporation, and Birch, a Missouri CLEC entered into an Interconnection, Collocation and Resale Agreement. There are no outstanding issues related to the Agreement between the parties that require the assistance of mediation or arbitration.

III. STANDARD FOR REVIEW

The statutory standard of review under Section 252(e) of the Act states:

(e) Approval by State Commission

- (1) Approval Required.** Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the state commission. A State commission to which an agreement is submitted to

shall approve or reject the agreement, with written findings as to any deficiencies.

(2) under subsection (a) if it finds Grounds for Rejection. The State commission may only reject.

(A) an agreement (or any portion thereof) adopted by negotiation that:

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement, or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or...

Embarq further states that the Agreement is consistent with the public interest, convenience and necessity in that it allows for full and fair competition and greater choice for the consumer. The Agreement does not discriminate against other carriers who are not a party to the Agreement because the terms of the Agreement are equally available to any other carrier.

IV. REQUEST FOR APPROVAL

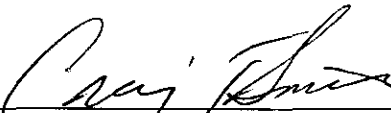
Embarq seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. Embarq and Birch believe that the implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.

Embarq and Birch respectfully request that the Commission grant approval of the Agreement, without change, suspension or other delay in its implementation.

V. **CONCLUSION**

WHEREFORE, for the foregoing reasons, Embarq requests that the Commission approve the Interconnection, Collocation and Resale Agreement between Embarq and Birch.

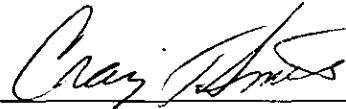
Respectfully submitted,



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VERIFICATION

I, Craig T. Smith, an attorney and duly authorized representative of Embarras Missouri, Inc. hereby verify and affirm that I have read the foregoing Application of Embarras Missouri, Inc. For Approval of an Interconnection, Collocation and Resale Agreement, and that the statements contained therein are true and correct to the best of my information and belief.

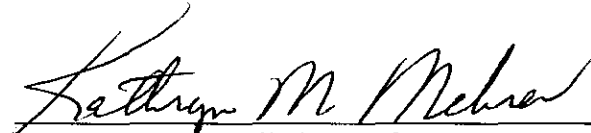


Craig T. Smith

Subscribed and sworn to before me on this 17th day of November 2008.

My Commission Expires:





Notary Public in and for said
County and State