

In the Matter of the Review of the Competitive)
Classification of the Exchanges of Embarq) Case No. IO-2008-0092
Missouri, Inc.)

the Commission entered its Order Granting Request for Evidentiary Hearing, noting that the OPC does not take issue with any detail of Staff's report and OPC indicates that it has not made an independent investigation into the state of competition in Embarq's exchanges.

5. In accordance with the Commission's order, a Procedural Conference was held on December 10, 2007 with the Staff, OPC and Embarq participating. Pursuant to discussions at such conference, the Staff, on behalf of all parties, filed a Motion To Extend the Time to file a Procedural Schedule on December 17, 2007, which was granted.

6. Section 392.245.5(6) provides in part:

The commission shall, at least every two years, or where an incumbent local exchange telecommunications company increases rates for basic local telecommunications services in an exchange classified as competitive, review those exchanges where an incumbent local exchange carrier's services have been classified as competitive, to determine if the conditions of this subsection for competitive classification continue to exist in the exchange and if the commission determines, after hearing that such conditions no longer exist for the incumbent local exchange telecommunications company in such exchange, it shall reimpose upon the incumbent local exchange telecommunications company, in such exchange, the provisions of paragraph (c) of subdivision (2) of subsection 4 of section 392.200 and the maximum allowable prices established by the provisions of subsections 4 and 11 of this section, and, in any such case, the maximum allowable prices established for the telecommunications services of such incumbent local exchange telecommunications company shall reflect all index adjustments which were or could have been filed from all preceding years since the company's maximum allowable prices were first adjusted pursuant to subsection 4 or 11 of this section.

7. As noted above, in its Report filed pursuant to the above-referenced statutory section, the Staff concluded that competitive conditions continue to exist in Embarq's competitively classified exchanges and recommended that the Commission

make a finding of that fact. All of Embark's competitive exchanges are "30-day track" exchanges under Section 392.245.5.

8. The parties stipulate that for purposes of this case, the Commission may consider in its review the verified Staff Report filed in this case as evidence to determine if competitive conditions as defined and provided for in Section 392.245.5, RSMo (Supp. 2006) for a 30-day petition continue to exist in the Embark exchanges previously granted competitive classification. The Staff and Embark stipulate that the Staff Report demonstrates that the competitive conditions for those exchanges continue to exist and such exchanges should remain classified as competitive. OPC does not join that stipulation. OPC does not object to the Staff's and Embark's stipulation and will not offer any evidence in opposition to that stipulation, and has agreed to withdraw its request for a hearing.

WHEREFORE, the parties respectfully submit their Stipulation and Agreement in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed or hand delivered this 20th day of December, 2007 to the following:

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