

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Comcast IP Phone)
of Missouri, LLC for Certificate of Service Authority to)
Provide Local Exchange and Interexchange)
Telecommunications Services Throughout the State)
of Missouri and to Classify the Company as)
Competitive)

Case No. LO-2008-0217

ORDER DIRECTING FILING

Issue Date: June 6, 2008

Effective Date: June 6, 2008

On December 31, 2007, Comcast IP Phone of Missouri, LLC d/b/a Comcast Digital Voice ("Comcast") applied to the Missouri Public Service Commission for a certificate of service authority to provide local exchange and interexchange telecommunications services in Missouri, and for designation as a competitive telecommunications carrier in the service territories of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T"); Embarq Missouri, Inc. d/b/a Embarq ("Embarq"); CenturyTel of Missouri, LLC ("CenturyTel"); and Spectra Communications Group, LLC d/b/a CenturyTel ("Spectra"). In addition to the standard waivers, Comcast also requested some fifteen additional waivers.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 7, 2008, directing parties wishing to intervene to file their requests by January 22, 2008. On January 22, 2008, AT&T and

Embarq filed applications to intervene, which were granted by order dated February 14, 2008.¹

On April 22, 2008, Staff filed a pleading containing its recommendations in this matter, attached to which was a verified memorandum discussing the results of Staff's independent investigation. Staff's primary recommendation was that the Commission take no further action on Comcast's present application for local exchange and interexchange service authority until Comcast had also applied for a certificate of service authority to provide basic local telecommunication services. In the alternative, Staff's secondary recommendation was that the Commission should grant Comcast a certificate to provide intrastate interexchange telecommunications services in Missouri and local exchange telecommunications services throughout the service territories of AT&T, Embarq, CenturyTel, and Spectra, with the standard waivers and conditions. As to the fifteen additional waiver requests made by Comcast, Staff recommended that four be granted and eleven be rejected.

On April 30, 2008, Embarq filed its "Response to Staff Recommendation," in which it took no position with regard to Staff's primary recommendation. As to Staff's secondary recommendation, Embarq stated that while it agreed with Staff that the standard waivers should be granted, two of the four non-standard waivers recommended by Staff should be rejected since they "would place Embarq at an unfair competitive disadvantage and Comcast has failed to provide the Commission with good cause for these two waivers." Neither Comcast nor AT&T has filed a response to Staff's recommendation.

Under normal circumstances, the Commission would either accept Staff's primary

¹ AT&T stated that it was unsure of the position it would ultimately take on Comcast's application, while Embarq averred that it was generally opposed to Comcast's requested relief of additional waivers beyond the

recommendation or reject it and schedule a prehearing conference. However, the parties are no doubt aware that the General Assembly recently passed HB 1779, which was sponsored by Rep. Emery and is now awaiting Governor Blunt's signature. Among other things, if signed into law, this legislation would amend Section 386.020 by defining "interconnected voice over Internet protocol service" and explicitly stating that such service does *not* constitute "telecommunications service" as that term is used in Chapter 386. Due to the potential significance of this recent legislative development, the Commission will direct the parties to file, by no later than June 30, 2008, appropriate pleadings discussing the probable effect of those and other provisions of HB 1779 on this case, should that bill become Missouri law.

IT IS ORDERED THAT:

1. The parties shall file, by no later than June 30, 2008, appropriate pleadings discussing the probable effect of HB 1779 on this case, should that bill be signed into law by the Governor.
2. This order shall become effective on June 6, 2008.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 6th day of June, 2008.

standard waivers.