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

| In The Matter of Embarq Missouri, Inc.     | ) |                       |
|--|---|-----------------------|
| Application for Competitive Classification | ĺ | Case No. TO-2009-0061 |
| Under Section 392.245.5 RSMo. (2005)       | Ś |                       |

## MOTION TO AMEND APPLICATION

COMES NOW Embarq Missouri, Inc. ("Embarq"), pursuant to 4 CSR 240-2.080(20), and respectfully seeks leave from the Missouri Public Service Commission to file *instanter* the attached Amended Application for Competitive Classification with accompanying attachments. The Amended Application varies from the original Application as follows:

- 1. All references to the Chilhowee, Clarksburg, Craig, Deep Water, and Syracuse exchanges are deleted from the Amended Application. Those references appeared on pages 1 of the original Application. Also, in several places in the Amended Application, the total number of business exchanges was changed from 43 to 38 to reflect the removal of the above listed 5 exchanges.
- All references to the Chilowee, Clarksburg, Craig, Deep Water, and Syracuse exchanges are deleted from the proposed tariff attached to the Amended Application and attached exhibits.
- 3. Any references to the "Application" are pervasively amended to refer to the "Amended Application."
- 4. The effect of deleting the Chilowee, Clarksburg, Craig, Deep Water, and Syracuse exchanges from the Amended Application is to narrow the scope of the relief sought by Embarq and to reduce the number of issues that must be evaluated and decided by the Commission. Similarly, the parties will have fewer issues to evaluate and address.

- 5. No party, intervenor or consumer in the State of Missouri can be prejudiced by allowing Embarq to amend its Application and accompanying tariff as requested.
- 6. This amendment should not delay the processing and ultimate decision on Embarq's Amended Application. It should still be approved within 60 days of the original filing. That is because the public, the Commission, all parties and intervenors have received timely notice of all relief sought by Embarq. The proposed amendment reduces the scope of the request for relief and asks for nothing additional at this time.

WHEREFORE, Embarq respectfully requests that its Motion to Amend Application be granted and that the attached Amended Application, the accompanying exhibits and the revised tariff be filed *instanter*. The schedule for the proceeding should not be revised should the Motion to Amend be granted.

Respectfully submitted,

EMBARQ MISSOURI, INC.

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## **VERIFICATION**

I, Mark A. Grover, a duly authorized representative of Embarq Missouri, Inc. hereby verify and affirm that I have read the foregoing Amended Application for Competitive Classification and that the statements contained therein are true and correct to the best of my information and belief.

Mark A. Grover

Subscribed and sworn to before me on this

\_day of October 2008.

My Appointment Expires:

KATHRYN M. MEHRER

TATE OF KANSAS

My Appt. Exp. 19/23/10

Notary Public in and for said County and State

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this \_\_\_\_\_\_ day of October 2008, a copy of the above and foregoing document was served via electronic mail, facsimile or U.S. Mail, postage prepaid to each of the following:

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