

**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	)	Case No. LO-2008-0217
Telecommunications Service Throughout the State of	)	
Missouri and to Classify the Company as Competitive	)	

**EMBARQ'S RESPONSE TO ORDER DIRECTING FILING**

EMBARQ Missouri, Inc. ("Embarq") submits its Response to the Commission's June 6, 2008 Order Directing Filing ("Order"), and Embarq respectfully states as follows:

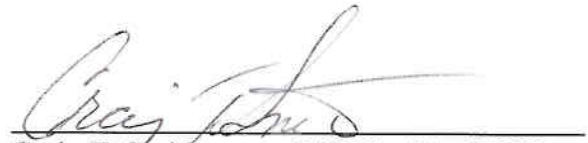
1. The Commission's Order requires all parties to file "appropriate pleadings discussing the probable effect of HB 1779 on this case, should that bill be signed into law by the Governor." House Bill 1779, if signed into law, will establish that "interconnected voice over Internet Protocol service" ("VoIP Service") is not "telecommunications service." Embarq is unaware of any provision of Chapter 386 or Chapter 392 that requires a provider of VoIP service to obtain a certificate of service authority, and in fact HB 1779 would establish a new "registration" requirement for VoIP service providers. Consequently, upon becoming law it would appear the HB 1779 will relieve Comcast IP Phone of Missouri, LLC, d/b/a Comcast Digital Voice ("Comcast") of any legal obligation to obtain a certificate of service authority for its IP-based Digital Voice service.

2. In light of the likelihood of the above-scenario occurring, Embarq believes that it is appropriate for this case to remain inactive for the foreseeable future. However, the above-scenario has not yet occurred and suggestions for how this case should proceed are somewhat speculative. While this case resulted from the Commission's Order in Case No. TC-2007-0111,

it remains that Comcast is the applicant in this proceeding. Regardless of the effect of HB 1779, there may be other grounds for Comcast to seek a certificate of service authority. If and when HB 1779 is signed into law, Embarq believes the burden will then be on Comcast to file a formal pleading requesting what Comcast believes is an appropriate disposition of this proceeding, which may include an amended application, or a withdrawal of the application. (Perhaps Comcast's response to the Commission's Order herein will provide a preview of Comcast's plans for when HB 1779 becomes law.) Until then, Embarq has no additional comment.

Respectfully submitted,

EMBARQ MISSOURI, INC.



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was served on the following parties by first-class/electronic/facsimile mail, this 30<sup>th</sup> day of June 2008.

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A handwritten signature in blue ink, reading "Kathy Mehrer", is written over a horizontal line.