

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE  
STATE OF MISSOURI

In the Matter of the Request )  
of CenturyTel of Missouri, LLC and )  
Embarq Missouri, Inc. )  
For Relief from Submission of )  
Surveillance Data Reports. )

Case No. \_\_\_\_\_

PETITION FOR RELIEF FROM SUBMISSION OF SURVEILLANCE DATA REPORTS

COMES NOW CenturyTel of Missouri, LLC (“CenturyTel”) and Embarq Missouri, Inc. (“Embarq”) (collectively “CenturyLink”) and hereby petition the Missouri Public Service Commission (“Commission”) for relief from the continued requirement to file surveillance data reports. In support, CenturyTel and Embarq state as follows:

1. CenturyTel is a Louisiana limited liability corporation that is duly authorized to do business in the State of Missouri and authorized by the Commission to provide basic local and interexchange telecommunications services. Copies of CenturyTel’s Certificate of Authority to transact business in Missouri from the Missouri Secretary of State were filed in Case No. TM-2002-232<sup>1</sup>, and are incorporated herein by reference pursuant to 4 CSR 240-2.060(1)(G).
2. Embarq is a Missouri corporation authorized to transact business within the State of Missouri and is authorized by the Commission to provide

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<sup>1</sup> In the Matter of the Joint Application of GTE Midwest Incorporate, d/b/a Verizon Midwest, and CenturyTel of Missouri, LLC, for 1) Authority to Transfer and Acquire Part of Verizon Midwest’s Franchise, Facilities or System Located in the State of Missouri; 2) for Issuance of Certificate of Service Authority to CenturyTel of Missouri, LLC; 3) to Designate CenturyTel of Missouri, LLC as Subject to Regulation as a Price Cap Company; and 4) to Designate CenturyTel of Missouri, LLC, as a Telecommunications Carrier Eligible to Receive Federal Universal Support, Case No. TM-2002-232.

basic local and interexchange telecommunications services within the state. Embarq was originally incorporated in Missouri in 1929 as The United Telephone Company and a restatement of its certification was received in Case No. TA-88-87. Embarq has received all necessary Commission and Secretary of State's Office approvals for subsequent transfers of control and name changes. Evidence of proper authorization was provided to the Commission in Case No. IO-2006-0086, the Transfer of Control from Sprint Nextel Corporation to Embarq Corporation and Case No. TN-2006-0416, the name change from Sprint Missouri, Inc. to Embarq Missouri Inc. and is incorporated herein by reference pursuant to 4 CSR 240-2.060(1)(G)<sup>2</sup>

3. All correspondence, communications, and order and decisions of the Commission issued in this matter should be sent to:

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4. There are no pending actions or final unsatisfied judgments or decisions against CenturyTel or Embarq from any state or federal agency or court which involves customer service or rates, which action, judgment or

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<sup>2</sup> See, e.g. *Application of Sprint Nextel Corporation for Approval of the Transfer of Control of Sprint Missouri, Inc., Sprint Long Distance, Inc., and Sprint Payphone Services Inc. from Sprint Nextel Corporation to LTD Holding Company*, Case No. IO-2006-0086, and *In Re: Name Change Request of Sprint Missouri, Inc., to Embarq Missouri, Ind., d/b/a Embarq*, consolidated Case No. TN-2006-0416. No approval by this Commission was required for the subsequent acquisition by CenturyTel Inc. of Embarq Corporation, the parent of Embarq Missouri, Inc.

decision has occurred within three years of the date of this petition. Nor are any annual reports or assessment fees overdue.

5. On May 21, 2002, the Commission approved the purchase by CenturyTel of certain properties previously owned by GTE Midwest, Inc. d/b/a Verizon Midwest (“Verizon”).<sup>3</sup> In so doing, the Commission approved the terms of a Stipulation and Agreement that contained a commitment by CenturyTel to continue to submit surveillance data reports to the Commission’s Financial Analysis Department “until ordered otherwise,” and as consistent with the previous obligation of Verizon.
6. In 2004, CenturyTel petitioned, and was granted, a modification of the requirement to allow for the filing of the required surveillance data reports semi-annually instead of monthly.<sup>4</sup> Staff indicated no objection to the request but sought a designated “point of contact” with the company should there be questions.
7. At the time, Embarq likewise submitted surveillance data reports on a monthly basis. Like CenturyTel, Embarq also petitioned, and was granted a modification of the requirement to allow for the filing of the required surveillance data reports less frequently than monthly.<sup>5</sup>

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<sup>3</sup> *Id.*, Report and Order, (issued May 21, 2002).

<sup>4</sup> *In the Matter of the Modification of the Requirement for the Submission of Surveillance Data Reports by CenturyTel of Missouri, LLC*, Case No. IO-2004-0360, ORDER GRANTING PETITION TO MODIFY REQUIREMENT FOR SUBMISSION OF SURVEILLANCE DATA, (issued March 12, 2004).

<sup>5</sup> *In the Matter of the Modification of the Requirements for the Submission of Surveillance Data Reports by Sprint Missouri, Inc.*, Case No. TO-2004-0565, ORDER APPROVING APPLICATION, (issued July 20, 2004).



8. CenturyTel has regularly submitted surveillance data reports and maintained a designated point of contact as required by the terms of the Stipulation and Agreement and subsequent modification order.
9. Embarq has regularly submitted surveillance data reports and maintained a designated point of contact.
10. On January 5, 2009, CenturyTel was declared a competitive telecommunications company pursuant to §392.245.5 RSMo Supp. 2008, subject only to certain pricing restrictions for basic local residential service in previously non-competitive exchanges for a period of time.<sup>6</sup>
11. On December 11, 2008, Embarq was declared a competitive telecommunications company pursuant to §392.245.5 RSMo Supp. 2008, subject only to certain pricing restrictions for basic local residential service in previously non-competitive exchanges for a period of time.<sup>7</sup>
12. As competitive companies subject only to limited pricing restrictions, the information contained in the surveillance data report is clearly no longer needed by Staff as part of its ongoing responsibilities to “monitor company earnings levels on a continuous basis” which previously

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<sup>6</sup> *In the Matter of CenturyTel of Missouri LLC's Application For a Commission Finding that 55% of Its Total Subscriber Access Lines are in Exchanges where Its Services have been Declared Competitive*, DECLARATION OF COMPETITIVE STATUS, Case No. TO-2009-0216, (January 5, 2009). Pursuant to §392.245(7), rates charged for basic local telecommunications service in exchanges that were noncompetitive immediately prior to a finding of competitive company status are capped at the statewide average rate for a period of four years. During the four year period, any annual increase in rates for residential basic local telecommunications service shall not exceed two dollars per line per month.

<sup>7</sup> *In the Matter of Embarq Missouri, Inc.'s Application For a Commission Finding that 55% of Embarq Missouri, Inc.'s Total Subscriber Access Lines are in Exchanges Where Its Services have been Declared Competitive*, DECLARATION OF COMPETITIVE STATUS, Case No. TO-2009-0160 (December 11, 2008). See footnote 6 for explanation of rate limitation.

justified the data.<sup>8</sup> Instead, Staff was ordered to monitor the rates and the percentage of residences and businesses that subscribe to CenturyTel's and Embarq's services.

13. CenturyTel and Embarq have discussed this request for relief with Staff. In response, Staff indicated it is supportive of this request, and that no further reports need be submitted. As such, there is no benefit from continued submission of this data and CenturyTel and Embarq should be relieved of the administrative burden imposed by continued gathering and submission of the information. If desired, a designated point of contact will be maintained.
14. There is no statute or rule that requires the continued submission of this data in this format.<sup>9</sup> The obligation for CenturyTel arises solely from the adoption of the Stipulation and Agreement in Case No. TM-2002-232 and by its terms, it contemplates that it would continue only "until ordered otherwise." According to Staff, the origin of the obligation for Embarq to file surveillance reports is less clear but dates back over 30 years.<sup>10</sup>
15. The next surveillance data submissions by CenturyTel and Embarq are due July 31, 2009. In order to avoid unnecessary work in compiling and submitting the data and in light of Staff's concurrence that no further data submissions are desired, CenturyTel and Embarq respectively

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<sup>8</sup>Staff Recommendation Memorandum, Case No. TO-2004-0565, pg. 2.

<sup>9</sup> CenturyTel and Embarq will continue to submit Annual Reports, as required.

<sup>10</sup> "The practice of Sprint and its predecessor, United Telephone Company of Missouri, providing surveillance data reports to the Commission Staff, dates prior to 1976. Staff is not aware of any specific language in a Commission Report and Order initially requesting the surveillance reporting from either Sprint or United Telephone Company of Missouri." Staff Recommendation, Case No. TO-2004-0565, pg 1.

request allowance to delay any further submission, if any is needed,  
until this matter can be fully decided.

WHEREFORE, for the foregoing reasons, CenturyTel and Embarq request an  
Order from this Commission relieving them from any further obligation to submit  
surveillance data to the Staff.

Respectfully Submitted,



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*Attorney for CenturyTel of Missouri, LLC and  
Embarq Missouri, Inc.*

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29<sup>th</sup> day of July, 2009, a  
copy of the foregoing document and attachments were served via electronic mail,  
facsimile or U.S. Mail, postage prepaid to each of the following:

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