

**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. TO-2010-0042

RESPONSE TO THE SUGGESTIONS OF THE OFFICE OF PUBLIC COUNSEL

COMES NOW CenturyTel of Missouri, LLC (“CenturyTel”) and Embarq Missouri, Inc. (“Embarq”) (collectively “CenturyLink” or “the Companies”) and hereby files its Response to the Suggestions of the Office of Public Counsel.

1. On July 29, 2009, CenturyTel of Missouri, LLC and Embarq Missouri, Inc., filed a Petition for Relief from Submission of Surveillance Data Reports. In the Petition, CenturyTel and Embarq explained that the financial surveillance reports submitted to the Commission are no longer needed due to the Commission recently declaring both CenturyTel and Embarq to be competitive telecommunications companies.
2. On August 10, 2009, Staff filed its recommendation supporting the CenturyTel and Embarq Petition. According to Staff’s recommendation “. . . the reports are not informative to the Staff in either the Utility Operations or Utility Services Divisions” and therefore, that “. . . the reports can be discontinued without any deterioration in oversight or degradation of customer service.”¹

¹ *Staff Recommendation*, August 10, 2009, ¶ 2

Consequently, Staff recommends that the Commission issue an order relieving the companies of their obligations to continue to file surveillance data reports.

3. On August 10, 2009, the Office of Public Counsel (OPC) offered its Suggestions to the Petition (OPC Suggestions). While the Public Counsel agrees that the companies “appear to have the statutory grounds for relief under HB 1779 from the submission of surveillance data reports because of their competitive status,” it nevertheless asks the Commission to direct the preservation of a laundry list of “records” for an apparently indeterminate amount of time, and to provide apparently limitless access to those records.²
4. According to OPC’s Suggestions, its request “does not call for continuation of the surveillance filing or even the preparation of the present reports without a filing requirement.” Nor is OPC “proposing that the companies use any particular form or format, create any specific document or record or require enumerated data now provided under the present surveillance reports.”³ Instead, OPC is apparently suggesting that the companies maintain whatever it has on “quality control records, asset reports and evaluations, project and network status reports or other management tools that identify and analyze operations and infrastructure, both successes and problem areas.”⁴
5. The Petition filed by CenturyTel and Embarq relates solely to the financial surveillance reports which were used by the Commission Staff at one point in

² *Suggestions of the Office of the Public Counsel*, pages 1 and 4.

³ *Id.*, page 4.

⁴ *Id.*, page 4. It is not clear under OPC’s proposal whether the Companies could alter the format or scope of the records routinely kept after any such order or if whatever is currently produced would need to be continued and retained indefinitely. This is particularly troubling as the Companies have not completed integration activities and it may be that records or reports currently internally maintained by legacy Embarq or legacy CenturyTel will change over time.

time for financial analysis purposes. Staff notes in its Recommendation that the data is no longer informative and discontinuance will not deteriorate its oversight function. OPC concedes that there are statutory grounds for relief. Thus, there is no disagreement among the Companies, Staff, and OPC that the relief requested should be granted. Furthermore, there should be no question that the requested relief is unrelated to any other document retention or oversight the Commission may have and nothing in the Petition alters that oversight.

6. Neither CenturyTel nor Embarq are seeking waivers of any Commission rules as part of this Petition, including Commission rules pertaining to records retention. The existing rules provide ample information to the Commission should it wish to investigate operations of the Companies. For example, 4 CSR 240-3.550(2) provides that:

Each telecommunications company shall make and maintain records of its operations in sufficient detail to permit review of those operations. These records shall be retained in an easily accessible place for a period of at least three (3) years. These records shall be made available upon request to the commission or its authorized representatives.

These rules are unaffected by this Petition. To the contrary, CenturyTel and Embarq are simply seeking to eliminate the production of an unnecessary and unwanted financial surveillance report that is not required of telecommunications carriers by any statute or Commission rule.

7. OPC's Suggestions, however, wish to go beyond the narrow request of the Companies and urges adoption of an unrelated policy of apparent general applicability. Accordingly, it urges the Commission to adopt a broad-based

record retention policy for similarly situated telecommunications companies, memorialized via this order.⁵ While the Companies understand the desires of OPC for information and appreciates the acknowledgement of OPC to not cause companies to create special records through its request, it is not appropriate to create a policy of general applicability within the context of this narrow, uncontested request.

WHEREFORE, for the reasons stated in its initial Petition, the Recommendation of Staff, and this Response, CenturyTel and Embarq request an Order from the Commission relieving the carriers from any further obligation to submit unneeded financial surveillance data to Staff.

Respectfully Submitted,



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⁵*Suggestions of the Office of the Public Counsel, page 4-5.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of August, 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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