

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

In the Matter of the Application for a Master)
Resale Agreement By and Between Budget)
PrePay, Inc. d/b/a Budget Phone and Embarq)
Missouri, Inc. Pursuant to Sections 251 and)
252 of the Telecommunications Act of 1996)

File No. TK-2009-0438

**ORDER DIRECTING NOTICE AND MAKING
BUDGET PHONE A PARTY**

Issue Date: June 19, 2009

Effective Date: June 19, 2009

This order provides notice of this application to interested parties and joins the other party to the master resale agreement, Budget PrePay, Inc. d/b/a Budget Phone, as a party to this proceeding.

On June 9, 2009, Embarq Missouri, Inc. filed an application with the Commission for approval of a master resale agreement with Budget Phone under the provisions of the federal Telecommunications Act of 1996. Embarq states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

Although Budget Phone is a party to the agreement, it did not join in the application. Because Budget Phone is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the

agreement is not consistent with the public interest, convenience, and necessity.¹ Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Budget PrePay, Inc. d/b/a Budget Phone is made a party to this case.
3. Any party wishing to request a hearing shall do so by filing a pleading no later than July 10, 2009, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Craig T. Smith
Embarq Missouri, Inc.
5454 West 110th Street
Mailstop: KSOPKJO401
Overland Park, Kansas 66211

¹ 47 U.S.C. § 252(e).


Ronald Munn
Budget Prepay, Inc.
26 Forest Grove Lane
Haughton, Louisiana 71037

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than July 20, 2009.
5. This order shall become effective on June 19, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of June, 2009.