

**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)
and 252 of the Telecommunications Act of 1996)
Case No. TK-2009-0438

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and submits its Staff Recommendation as follows:

1. On June 9, 2009, Embarq Missouri, Inc., d/b/a Embarq (Embarq or the Company) filed with the Missouri Public Service Commission (the Commission) its Application Of Embarq Missouri, Inc. For Approval Of A Master Resale Agreement (Application), seeking approval of an Interconnection, Collocation and Resale Agreement (Interconnection Agreement) between the Company and Budget PrePay, Inc., d/b/a Budget Phone (Budget) pursuant to the Telecommunications Act of 1996.

2. On June 19, 2009, the Commission issued its Order Directing Notice and Making Budget Phone A Party, directing notice be sent to interexchange and local exchange telecommunications companies, joining Budget as party to the case, setting an intervention deadline, and directing Staff to file a memorandum regarding Embarq's Application by July 20, 2009.

3. The statutory standard for review of an interconnection and resale agreement can be found in Section 252(e) of the Telecommunications Act of 1996, which states that an interconnection agreement adopted by negotiation shall be submitted for approval to the state commission, but that the state commission may only reject such agreement if it discriminates

against a telecommunications carrier not a party to the agreement or if its implementation is not consistent with the public interest, convenience, and necessity. 42 U.S.C. § 252(e)(2).

4. In the attached Memorandum, labeled Appendix A, Staff states that the Interconnection Agreement does not discriminate against telecommunications carriers not parties to the Interconnection Agreement and that the Interconnection Agreement is not against the public interest, convenience or necessity.

5. Embarq is not delinquent in the filing of its Annual Report, or in the payment its PSC assessment, or MoUSF and Relay Missouri surcharges.

WHEREFORE, Staff recommends the Commission approve the Application and direct the parties to submit to the Commission any subsequent modifications or amendments to the Interconnection Agreement.

Respectfully submitted,

/s/ Eric Dearmont

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17th day of July, 2009.

/s/ Eric Dearmont

The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

No applications to intervene filed.

Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

The Company is not delinquent in filing an annual report, paying the PSC assessment, paying Relay Missouri, and paying MoUSF.

No annual report Unpaid PSC assessment. Amount owed:
 Unpaid MoUSF Unpaid Relay Missouri

The Company is either delinquent or is not shown to be submitting revenue into the indicated fund based on the latest records available to the MoPSC. Failure to submit revenue to either the Relay Missouri Fund or the Missouri USF fund should not necessarily reflect the company is delinquent.

