

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

Application for Approval of a Master Resale	)	
Agreement Between American Fiber Network, Inc.	)	
And Embarq Missouri, Inc. Pursuant to The	)	<b><u>Case No. TO-2008-0265</u></b>
Telecommunications Act of 1996	)	

**ORDER DIRECTING NOTICE AND MAKING**  
**AMERICAN FIBER NETWORK, INC. A PARTY**

Issue Date: February 21, 2008

Effective Date: February 21, 2008

This order provides notice of this application to interested parties and joins the other party to the master resale agreement, American Fiber Network, Inc. ("AFN"), as a party to this proceeding.

On February 19, 2008, Embarq Missouri, Inc., d/b/a Embarq filed an application with the Commission for approval of a master resale agreement with AFN 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. Embarq requests expeditious approval of the agreement.

Although AFN is a party to the agreement, it did not join in the application. Because AFN 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.<sup>1</sup> 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.

**IT IS ORDERED THAT:**

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. American Fiber Network, Inc. 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 March 12, 2008, with:

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

and send copies to:

William F. Watkins  
Embarq Missouri, Inc.  
5454 West 110<sup>th</sup> Street  
Mailstop: KSOPKJ0401  
Overland Park, KS 66211

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<sup>1</sup> 47 U.S.C. § 252(e).

American Fiber Network, Inc.  
Douglas C. Bethall  
9401 Indian Creek Parkway, Suite 280  
Overland Park, Kansas 66210

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 March 24, 2008.

5. This order shall become effective on February 21, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Colleen M. Dale, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 21st day of February, 2008.