

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 16th day of
September, 2009.

In the Matter of the Request of CenturyTel of)	
Missouri, LLC, and Embarq Missouri, Inc. for Relief)	<u>Case No. TO-2010-0042</u>
from Submission of Surveillance Data Reports.)	

**ORDER GRANTING RELIEF FROM
SUBMISSION OF SURVEILLANCE DATA REPORTS**

Issue Date: September 16, 2009

Effective Date: September 26, 2009

Syllabus: This order grants CenturyTel of Missouri, LLC (hereafter “CenturyTel”) and Embarq Missouri, Inc., (hereafter “Embarq”) relief from the requirement to submit surveillance data reports.

On July 29, 2009, CenturyTel and Embarq filed a Petition for Relief from Submission of Surveillance Data Reports. CenturyTel and Embarq filed these reports so that the Commission’s Staff could monitor company earnings, and have done so for years as ordered by the Commission.¹ Because the Commission has recently declared both CenturyTel and Embarq to be competitive telecommunications companies, CenturyTel and Embarq posit that the Commission no longer needs to monitor company earnings. Hence, they ask the Commission to relieve them of the obligation to file the surveillance data reports. Moreover, CenturyTel and Embarq state that Staff supports their petition.

¹ As pled by CenturyTel, it has been required to file these reports as ordered by the Commission in Case No. TM-2002-232. As pled by Embarq, the origin of its obligation to file these reports is less clear, but dates back over 30 years.

On August 10, 2009, Staff filed its Recommendation. Staff states that these reports are not informative to the Staff, and that the requirement to file these reports can be discontinued without any deterioration in oversight, or degradation of customer service.

Also on August 10, the Office of the Public Counsel (hereafter “OPC”) filed suggestions. OPC does not object to the Commission granting the application, but requests the Commission to “exercise its residual powers and duties . . . by providing for the retention and authorized access to company records that can assist the Commission determine the status of telecommunications in Missouri.”

No statute or Commission rule requires these reports to be filed. CenturyTel and Embarq are now competitive telecommunications companies. Thus, the Commission no longer has any need to gather, and to require CenturyTel and Embarq to provide, the surveillance data reports. The Commission will grant CenturyTel’s and Embarq’s request.

Further, the Commission will deny OPC’s requests for relief. The Commission notes that it granted OPC’s similar requests recently in File No. TE-2010-0050.² In the YourTel case, the Commission granted statutory and rule waivers, and reminded the parties that the Commission could reimpose those regulations should it find it would be in the public interest to do so. Staff supported OPC’s position in YourTel. In the instant case, however, no statute or rule required CenturyTel or Embarq to file the surveillance reports, and Staff continues to maintain it does not need the reports any longer. But in granting the requests of CenturyTel and Embarq, and in denying OPC’s requests, the Commission reminds the parties of its continuing jurisdiction over CenturyTel and Embarq, as aptly pointed out by OPC.

² In the Matter of the Application of YourTel America, Inc. for Waiver of Commission Rules and Statute.

THE COMMISSION ORDERS THAT:

1. The Petition for Relief from Submission of Surveillance Data Reports filed by CenturyTel of Missouri, LLC and Embarq Missouri, Inc., is granted.
2. This order shall become effective on September 26, 2009.
3. This case shall be closed on September 27, 2009.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge