

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Embarq Missouri, Inc.'s Application for)
Competitive Classification under Section 392.245.5) **Case No. TO-2007-0301**
RSMo (2005))

ORDER GRANTING APPLICATION TO INTERVENE

Issue Date: February 26, 2007

Effective Date: February 26, 2007

On February 8, 2007,¹ Embarq Missouri, Inc. ("Embarq") filed its verified Application for Competitive Classification pursuant to Sections 392.245.5 and 392.245.5(6), RSMo Cum. Supp. 2005, in which it requested that the Commission classify the business services Embarq offers in its Lebanon exchange, other than exchange access services, as competitive.

On February 14, the Commission entered its Order Directing Notice, Establishing Procedural Schedule, and Reserving Hearing Date, which, among other things, directed any party wishing to intervene in the case to file an application no later than February 20. The order also directed any party who wished to object to such an intervention request to do so by no later than February 23.

On February 20, Fidelity Communication Services I, Inc. ("Fidelity") filed an Application to Intervene pursuant to Commission Rule 4 CSR 240-2.075, which governs intervention. There were no other timely requests for intervention, and no party objected to Fidelity's request by February 23.

¹ Unless otherwise specified, all dates refer to the year 2007.

Fidelity's application indicates that because it has been certificated by the Commission to provide basic local exchange and interexchange telecommunications services in the Lebanon exchange, it has a direct and pecuniary interest in the Commission's decision in this case, which it seeks to protect by intervening. Fidelity's application also states that it opposes Embarq's request for competitive classification and avers that Fidelity's interests in this matter, which may be adversely affected by a final order arising from this case, differ from those of the general public. For these reasons, Fidelity seeks intervention and requests that an evidentiary hearing be conducted on the merits of Embarq's Application for Competitive Classification.

As no other party has opposed intervention by Fidelity and the application complies with the relevant requirements of 4 CSR 240-2.075, it will be granted and Fidelity will be authorized to participate fully in this matter as an intervening party.²

IT IS ORDERED THAT:

1. The Application to Intervene filed by Fidelity Communication Services I, Inc. on February 20, 2007 is granted.

² The parties are reminded that under the express terms of the Commission's February 14 order, a hearing must now be held as scheduled and *all* provisions of that order, including the procedural requirements, procedural calendar, filing deadlines, and hearing date specified therein, are now in effect.

2. This order shall become effective on February 26, 2007.

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)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of February, 2007.