

# 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-2008-0028**  
RSMo (2005) )

### **ORDER ESTABLISHING DEADLINE TO REQUEST A HEARING**

Issue Date: August 6, 2007

Effective Date: August 6, 2007

On July 25, 2007,<sup>1</sup> 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. 2006, in which it requested that the Commission classify the residential services Embarq offers in its Lebanon exchange, other than exchange access services, as competitive.

On July 27, the Commission entered its Order Directing Notice, Establishing Procedural Schedule, and Reserving Hearing Date (July 27 Order). Among other things, this order established a full procedural schedule and reserved Monday, August 13, for an evidentiary hearing on Embarq's application should the Commission receive an objection to the application by any party. The July 27 Order established an August 1 deadline to request intervention and an August 3 deadline to file objections to Embarq's application. No requests for intervention or objections to the application were filed.

On August 3, 2007, Staff filed its verified recommendation and supporting memorandum in favor of approving Embarq's application. The July 27 Order advised

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<sup>1</sup> Unless otherwise specified, all dates refer to the year 2007.

the parties that if no party requested a hearing, the Commission may make its determination based upon the verified pleadings and recommendations of its Staff.<sup>2</sup> Any party wishing to request a hearing in this matter shall do so no later than 5:00 p.m. on August 8. If no request for a hearing is received, the Commission will cancel the remainder of the procedural schedule, including the filing of testimony and hearing, and make its determination based upon Embark's verified application and Staff's verified recommendation and memorandum.

**IT IS ORDERED THAT:**

1. Any party wishing to request a hearing in this case shall do so no later than 5:00 p.m. on Wednesday, August 8, 2007.
2. If no party requests a hearing by 5:00 p.m. on Wednesday, August 8, 2007, the procedural schedule shall be cancelled and the Commission shall decide this case on the basis of Embark Missouri, Inc.'s verified application, Staff's verified recommendation and supporting memorandum.
3. This order shall become effective on August 6, 2007.

( S E A L )

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

Cherlyn D. Voss, Regulatory Law Judge,  
by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 6th day of August, 2007.

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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).