

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

In The Matter of Embarq Missouri, Inc.	)	
Application for Competitive Classification	)	Case No.
Under Section 392.245.5 RSMo. (2008)	)	

**APPLICATION FOR COMPETITIVE CLASSIFICATION**

COMES NOW Embarq Missouri, Inc. ("Embarq") and hereby requests the Commission approve Embarq's Application for Competitive Classification under Section 392.245.5 RSMo. (2008)<sup>1</sup>. Embarq is seeking competitive classification for all residential services, other than exchange access services, offered in its Lone Jack exchange. In addition, Embarq is seeking competitive classification for all business services, other than exchange access services, offered in the following 43 exchanges (hereafter referred to as "Applicant's 43 business exchanges"): (1) Appleton City, (2) Butler, (3) California, (4) Centerview, (5) Chilhowee, (6) Clarksburg, (7) Clinton, (8) Cole Camp, (9) Craig, (10) Deepwater, (11) Eugene, (12) Fort Leonard Wood, (13) Greenridge, (14) Hardin, (15) Harrisonville, (16) Henrietta, (17) Holden, (18) Hopkins, (19) Ionia, (20) King City, (21) Lake Lotawana, (22) Leeton, (23) Lexington, (24) Lincoln, (25) Lone Jack, (26) Maryville, (27) Missouri City, (28), Montrose, (29) New Bloomfield, (30) Newburg, (31) Pickering, (32) Richland, (33) Russellville, (34) Sweet Springs, (35) Syracuse, (36) Tarkio, (37) Tipton, (38) Urich, (39) Warsaw, (40) Waverly, (41) Wellington, (42) Weston, and (43) Windsor. In support of its Application, Embarq states as follows:

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<sup>1</sup> Embarq is pursuing the "60 day tract" for its Application even though Embarq's Application contains components of both a 30-day tract and a 60-day tract as outlined in Section 392.245.5.(6). Consequently, Embarq's accompanying proposed tariff has a 60 day effective date which accommodates all exchanges in Embarq's Application.

1. Embarq is a public utility, and a telecommunications company, as those terms are defined in Section 386.020(42) and (51), RSMo 2000. Embarq is a large incumbent local exchange telecommunications company and is subject to Price Cap Regulation under Section 392.245.

2. Missouri Revised Statutes §392.245.5 (2008) allows carriers subject to Price Cap Regulation to seek competitive classification for each telecommunications service offered to business and residential customers, other than exchange access service, in any exchange in which at least two non-affiliated entities are providing basic local telecommunications service to customers within the exchange.

3. Embarq faces growing residential competition from two or more non-affiliated entities in its Lone Jack exchange. Furthermore, Embarq faces growing business competition from two or more non-affiliated entities in Applicant's 43 business exchanges. More specifically, Embarq faces competition from (a) numerous non-affiliated wireless providers, (b) from wireline carriers using their own facilities, in whole or in part, to provide basic local telecommunications services, and (c) resellers (non-prepaid) and other carriers using commercial arrangements with Embarq.

4. With the enactment of House Bill 1779, Section 392.245.5 RSMo. (2008) now recognizes that if an ILEC faces residential competition by two non-affiliated entities then both residential services and business services shall be deemed competitive in the exchange. Contained in the listing of Applicant's 43 business exchanges are three exchanges (Fort Leonard Wood, Lake Lotawana and Weston) that have previously been deemed competitive by the Commission for residential services and Embarq now seeks competitive classification for business services. In addition, in this Application, Embarq is seeking residential competitive

classification for its Lone Jack exchange and upon finding that two non-affiliated carriers are providing residential service the Commission shall also deem Embarq's business services as competitive as now recognized by Section 392.245.5 RSMo. (2008).

5. Section 392.245.5(1) RSMo. (2008) recognizes that commercial mobile service providers shall be considered as entities providing basic local telecommunications service, provided that (a) only one such non-affiliated provider shall be considered as providing basic local telecommunications service within an exchange and (b) if the commercial mobile service provider does not designate customers by business or residential class, such provider will be deemed to be providing service to both business and residential customers. Embarq has numerous non-affiliated wireless providers operating in its exchanges providing basic local telecommunications service including, but not limited to, the following wireless carriers that are providing basic local telecommunications service to business and/or residential customers in Applicant's 43 business exchanges and Lone Jack: Sprint Nextel ([www.sprint.com](http://www.sprint.com)), AT&T Wireless ([www.wireless.att.com](http://www.wireless.att.com)), Verizon ([www.verizon.com](http://www.verizon.com)), Alltel ([www.alltel.com](http://www.alltel.com)), T-Mobile ([www.t-mobile.com](http://www.t-mobile.com)), and US Cellular ([www.uscc.com](http://www.uscc.com)). See Attachment A.

6. Section 392.245.5(2) RSMo (2008), recognizes any entity providing local voice service in whole or in part over telecommunications facilities it owns as an entity that provides basic local telecommunications services in competition with Embarq. Time Warner Cable Information Services<sup>2</sup>, in conjunction with Sprint Communications Company, L.P., offers local phone service in direct competition with Embarq in Lone Jack. Embarq has experienced residential customer loss in its Lone Jack exchange as a direct result of competitive entry by Time Warner Cable in conjunction with Sprint.



7. With the enactment of House Bill 1779, Section 392.245.5(6) RSMo (2008) now recognizes that any entity, other than pre-paid resellers, providing local voice service in competition with an ILEC shall be considered by the Commission when determining whether two non-affiliated entities are providing basic local telecommunications service to customers within the exchange, regardless of whether such entity provides local voice service using its own telecommunications facilities. Granite Telephone<sup>3</sup>, American Fiber Network, Inc.<sup>4</sup>, and other business providers known to the Commission offers local phone service in direct competition with Embarq in Applicant's 43 business exchanges indented above. Embarq has experienced business customer loss in Applicant's 43 business exchanges as a direct result of competitive entry by Granite Telephone, American Fiber Network, Inc, and other business providers known to the Commission. Attachment B identifies the specific carriers and exchanges for business classification.

8. Embarq's Application for Competitive Classification does not request any price changes. In fact, Embarq acknowledges that all rates currently in effect for these exchanges will remain in effect until such time Embarq files a tariff requesting a price change. Under current law, Embarq will be required to file tariffs for any future price changes, either increases or decreases, associated with these exchanges which will continue to require Commission approval. Furthermore, Embarq will be required to notify its customers of any future price increase.

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<sup>2</sup> Time Warner Cable Information Services (Missouri) LLC ("Time Warner Cable") obtained a Certificate to Provide Basic Local, Local Exchange, and Interexchange Telecommunications Services within Missouri, including the exchanges of Embarq, on March 2, 2004 (Case No. LA-2004-0133).


<sup>3</sup> Granite Telecommunications, LLC, obtained a Certificate to Provide Basic Local, Local Exchange, and Interexchange Telecommunications Services within Missouri, including the exchanges of Embarq on December 3, 2003 (Case No. LA-2004-0124)

<sup>4</sup> American Fiber Network, Inc. obtained a Certificate to Provide Basic Local, and Local Exchange Services within Missouri, including the exchanges of Embarq on March 3, 2003 (Case No. TA-2000-305)

WHEREFORE Embarq respectfully requests the Commission approve Embarq's Application for Competitive Classification pursuant to Section 392.245.5 RSMo (2008). Embarq has identified that there are at least two non-affiliated entities providing basic local telecommunications service to residential customers within its Lone Jack exchange. Also, Embarq has identified that there are at least two non-affiliated entities providing basic local telecommunications service to business customers within Applicant's 43 business exchanges identified above. Embarq's Application meets the statutory requirements for competitive classification, which should become effective in no more than 60 days.

Respectfully submitted,

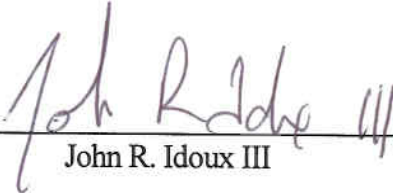
EMBARQ MISSOURI, INC.

  
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**VERIFICATION**


I, John R. Idoux III, an attorney and duly authorized representative of Embark Missouri, Inc. hereby verify and affirm that I have read the foregoing Application for Competitive Classification and that the statements contained therein are true and correct to the best of my information and belief.

  
\_\_\_\_\_  
John R. Idoux III

Subscribed and sworn to before me on this 27<sup>th</sup> day of August 2008.

My Appointment Expires:



  
\_\_\_\_\_  
Notary Public in and for said  
County and State

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 28<sup>th</sup> day of August 2008, a copy of the above and foregoing document was served via electronic mail, facsimile or U.S. Mail, postage prepaid to each of the following:

William K. Haas  
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# SUMMARY WIRELESS COVERAGE

Embark Missouri, Inc.  
Application for Competitive Classification  
August, 28 2008

Attachment A

Embark <u>Exchange</u>	Sprint	AT&T	Alltel	US Cellular	Verizon	T-Mobile
Appleton City	No	Coverage	Coverage	Coverage	Coverage	Coverage
Butler	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
California	Coverage	Coverage	Coverage	Coverage	Coverage	No
Centerview	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Chilhowee	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Clarksburg	Coverage	Coverage	Coverage	Coverage	Coverage	No
Clinton	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Cole Camp	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Craig	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Deepwater	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Eugene	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
FL Leonard Wood	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Greenridge	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Hardin	Coverage	No	Coverage	Coverage	Coverage	Coverage
Harrisonville	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Henrietta	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Holden	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Hopkins	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Ionia	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
King City	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Lake Lotawana	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Leeon	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Lexington	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Lincoln	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Lone Jack	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Maryville	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Missouri City	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Montrose	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
New Bloomfield	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Newburg	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Pickering	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Richland	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Russellville	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Sweet Springs	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Syracuse	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Tarkio	Coverage	Coverage	Coverage	Coverage	Coverage	No
Tipton	Coverage	Coverage	Coverage	Coverage	Coverage	No
Ulrich	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Warsaw	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Waverly	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Wellington	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Weston	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage
Windsor	Coverage	Coverage	Coverage	Coverage	Coverage	Coverage

Coverage Information Derived from Wireless Carrier Company Websites



# Summary Wireline Providers

Embarq Missouri, Inc.  
Application for Competitive Classification - Business Exchanges  
28-Aug-08

Attachment B  
PUBLIC

<u>Embarq Exchange</u>	<u>Granite 2007 Annual Report</u>	<u>American Fiber 2007 Annual Report</u>	<u>(Internal Embarq Data)</u>	<u>Residential Classification</u>
Appleton City	1	-		
Butler	11	5		
California	7	-		
Centerview	2	-		
Chilhowee	2	-		
Clarksburg	2	-		
Clinton	20	5		
Cole Camp	4	-		
Craig	2	-		
Deepwater	2	-		
Eugene	5	-		
Ft. Leonard Wood				TO-2008-0147
Greenridge	1	-		
Hardin	2	-		
Harrisonville	17	-		
Henrietta	2	-		
Holden	5	-		
Hopkins	2	-		
Ionia	2	-		
King City	2	-		
Lake Lotawana	-	-		IO-2006-0551
Leeton	1	-		
Lexington	11	-		
Lincoln	1	-		
Lone Jack	-	-		This Application
Maryville	12	3		
Missouri City	2	-		
Montrose	2	-		
New Bloomfield	2	-		
Newburg	4	-		
Pickering	2	-		
Richland	3	-		
Russellville	2	-		
Sweet Springs	6	-		
Syracuse	2	-		
Tarkio	4	-		
Tipton	5	-		
Urich	2	-		
Warsaw	9	-		
Waverly	2	-		
Wellington	2	-		
Weston	-	-		IO-2006-0092
Windsor	5	-		

PUBLIC

## GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.  
d/b/a Embarq

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Cancels Ninth Revised Page 23

## LOCAL EXCHANGE SERVICE RATE GROUPS

## X. COMPETITIVE EXCHANGES

The following exchanges are classified as competitive:

A. Residence

Buckner <sup>(4)</sup>	Oak Grove <sup>(4)</sup>	
Ferrelview <sup>(2)</sup>	Odessa <sup>(4)</sup>	
Ft. Leonard Wood <sup>(6)</sup>	Platte City <sup>(2)</sup>	(T)
Jefferson City <sup>(3)</sup>	Pleasant Hill <sup>(4)</sup>	
Kearney <sup>(1)</sup>	Rolla <sup>(1)</sup>	
Lake Lotawana <sup>(4)</sup>	St. Robert <sup>(6)</sup>	(T)
Lebanon <sup>(5)</sup>	Salem <sup>(7)</sup>	(T)
<b>Lone Jack <sup>(8)</sup></b>	Waynesville <sup>(6)</sup>	(T) (N)
Norborne <sup>(1)</sup>	Weston <sup>(2)</sup>	

(M)

All services in competitive exchanges are eligible for exchange-specific pricing, except for those services otherwise specified in Section 51 of this Tariff. When exchange-specific rates do apply, those competitive exchanges with rates that differ from those of non-competitive exchanges will be listed for that given service. It is therefore possible for the competitive exchange listings to vary by service.

- (1) Competitive Service Classification pursuant to MO PSC Order of December 4, 2003, in Case No. IO-2003-0281.
- (2) Competitive Service Classification pursuant to Case No. IO-2006-0092, effective August 28, 2005.
- (3) Competitive Service Classification pursuant to Case No. TO-2006-0375, effective May 1, 2006.
- (4) Competitive Service Classification pursuant to Case No. IO-2006-0551, effective July 31, 2006.
- (5) Competitive Service Classification pursuant to Case No. TO-2008-0028, effective August 30, 2007. (T)
- (6) Competitive Service Classification pursuant to Case No. TO-2008-0147, effective December 6, 2007. (T)
- (7) Competitive Service Classification pursuant to Case No. TO-2008-0380, effective July 3, 2008. (T) (M)
- (8) **Competitive Service Classification pursuant to Case No. XX-2008-XXXX, effective October 28, 2008.** (N)

(N)

(M) Material previously appearing on this page now appears on Original Page 24.

ISSUED:  
August 28, 2008

BY: Darlene N. Terry  
Manager - Tariffs  
5454 W. 110th Street  
Overland Park, Kansas 66211

EFFECTIVE:  
October 28, 2008

## GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.  
d/b/a Embarq

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## LOCAL EXCHANGE SERVICE RATE GROUPS

## X. COMPETITIVE EXCHANGES (Continued)

The following exchanges are classified as competitive:

B. Business

<b>Appleton City</b> <sup>(7)</sup>	<b>Ionia</b> <sup>(7)</sup>	<b>Platte City</b> <sup>(2)</sup>
<b>Buckner</b> <sup>(6)</sup>	<b>Jefferson City</b> <sup>(3)</sup>	<b>Pleasant Hill</b> <sup>(6)</sup>
<b>Butler</b> <sup>(7)</sup>	<b>Kearney</b> <sup>(1)</sup>	<b>Richland</b> <sup>(7)</sup>
<b>California</b> <sup>(7)</sup>	<b>King City</b> <sup>(7)</sup>	<b>Rolla</b> <sup>(1)</sup>
<b>Centerview</b> <sup>(7)</sup>	<b>Lake Lotawana</b> <sup>(7)</sup>	<b>Russellville</b> <sup>(7)</sup>
<b>Chilhowee</b> <sup>(7)</sup>	<b>Lebanon</b> <sup>(4)</sup>	<b>St. Robert</b> <sup>(2)</sup>
<b>Clarksburg</b> <sup>(7)</sup>	<b>Leeton</b> <sup>(7)</sup>	<b>Salem</b> <sup>(6)</sup>
<b>Clinton</b> <sup>(7)</sup>	<b>Lexington</b> <sup>(7)</sup>	<b>Sweet Springs</b> <sup>(7)</sup>
<b>Cole Camp</b> <sup>(7)</sup>	<b>Lincoln</b> <sup>(7)</sup>	<b>Syracuse</b> <sup>(7)</sup>
<b>Craig</b> <sup>(7)</sup>	<b>Lone Jack</b> <sup>(7)</sup>	<b>Tarkio</b> <sup>(7)</sup>
<b>Deepwater</b> <sup>(7)</sup>	<b>Maryville</b> <sup>(7)</sup>	<b>Tipton</b> <sup>(7)</sup>
<b>Eugene</b> <sup>(7)</sup>	<b>Missouri City</b> <sup>(7)</sup>	<b>Urich</b> <sup>(7)</sup>
<b>Ferrelview</b> <sup>(2)</sup>	<b>Montrose</b> <sup>(7)</sup>	<b>Warrensburg</b> <sup>(5)</sup>
<b>Ft. Leonard Wood</b> <sup>(7)</sup>	<b>New Bloomfield</b> <sup>(7)</sup>	<b>Warsaw</b> <sup>(7)</sup>
<b>Greenridge</b> <sup>(7)</sup>	<b>Newburg</b> <sup>(7)</sup>	<b>Waverly</b> <sup>(7)</sup>
<b>Hardin</b> <sup>(7)</sup>	<b>Norborne</b> <sup>(1)</sup>	<b>Waynesville</b> <sup>(2)</sup>
<b>Harrisonville</b> <sup>(7)</sup>	<b>Oak Grove</b> <sup>(6)</sup>	<b>Wellington</b> <sup>(7)</sup>
<b>Henrietta</b> <sup>(7)</sup>	<b>Odessa</b> <sup>(6)</sup>	<b>Weston</b> <sup>(7)</sup>
<b>Holden</b> <sup>(7)</sup>	<b>Pickering</b> <sup>(7)</sup>	<b>Windsor</b> <sup>(7)</sup>
<b>Hopkins</b> <sup>(7)</sup>		

(M)

(N)

(N)

(N)

All services in competitive exchanges are eligible for exchange-specific pricing, except for those services otherwise specified in Section 51 of this Tariff. When exchange-specific rates do apply, those competitive exchanges with rates that differ from those of non-competitive exchanges will be listed for that given service. It is therefore possible for the competitive exchange listings to vary by service.

- (1) Competitive Service Classification pursuant to MO PSC Order of December 4, 2003, in Case No. IO-2003-0281.
- (2) Competitive Service Classification pursuant to Case No. IO-2006-0092, effective August 28, 2005.
- (3) Competitive Service Classification pursuant to Case No. TO-2006-0375, effective May 1, 2006.
- (4) Competitive Service Classification pursuant to Case No. TO-2007-0301, effective March 10, 2007.
- (5) Competitive Service Classification pursuant to Case No. TO-2008-0147, effective December 6, 2007.
- (6) Competitive Service Classification pursuant to Case No. TO-2008-0380, effective July 3, 2008.
- (7) **Competitive Service Classification pursuant to Case No. XX-2008-XXXX, effective October 28, 2008.**

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