

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

In the Matter of the Review of the	)	
Competitive Classification of the Exchanges of	)	<u>Case No. IO-2008-0092</u>
Embarq Missouri, Inc., d/b/a Embarq	)	

Dissenting Opinion of Commissioner Terry M. Jarrett

The Commission's decision to hold an evidentiary hearing in this matter, even though no fact is controverted or disputed by any party, is without cause. Furthermore, in this case, no revocation of competitive classification is at issue, nor has it been raised by any party, including the Office of the Public Counsel ("OPC"). As such, a hearing in this case, in my opinion, is unnecessary. The request by OPC that the extent of competition be made a part of the record goes beyond the plain language of the statute in this case.

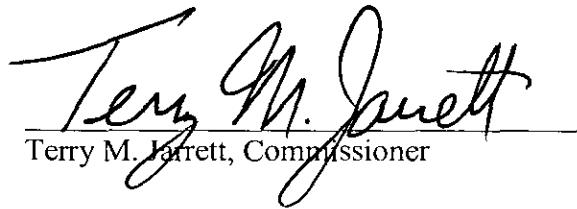
OPC could have raised the issue in its response, but did not. It is worth noting that the Commission has previously recognized that "[t]he time and cost to hold hearings on [a] matter when there is no genuine issue as to any material fact would be contrary to the public interest" Determination on the Pleadings, *In the Matter of the Application of Aquila Inc. for an Accounting Authority Order Concerning Fuel Purchases*, Case No. EU-2005-0041 (Oct. 7, 2004), which is the situation at hand.

This Commissioner finds that OPC's request for a hearing overlooks the practical reality of this case which is that there is nothing in controversy between the parties. While this Commissioner understands and generally supports OPC's desire to have an open forum available for the presentation of its views, the hearing requested by OPC does not purport to call into question any of the verified facts submitted by Staff. Since no revocation of competitive

classification is at issue, conducting a hearing in my opinion would be an inefficient use of the time and resources of the Commission and its Staff.

Given the foregoing, I respectfully dissent from the majority's Order Granting Request For Evidentiary Hearing and Scheduling a Prehearing Conference.

Respectfully submitted,


Terry M. Jarrett, Commissioner

Dated in Jefferson City, Missouri,
on this 29th day of November, 2007.