

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

In the Matter of a Request to Declassify     )  
Certain Portions of Local Exchange         )  
Carriers Annual Reports to 4 CSR-         )  
3.540(5)   )

**Case No. IO-2008-0227**

**RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission, by and through its general counsel, and for its Recommendation states as follows:

1. On January 10, 2008, pursuant to Commission Rule 4 CSR 240-3.540 (5), Embarq Missouri, Inc. (Embarq) filed its Application to Declassify certain portions of Local Exchange Carriers (LECs) Annual Reports. Embarq asserts in its Application that it has served a copy of its Application to all affected CLECs (Competitive Local Exchange Carriers) operating in Missouri as is required by the Rule. However, the Staff received a telephone call on January 28th from one CLEC indicating it had not been served a copy by Embarq.
2. On January 28, 2008, Big River Telephone Company, LLC (Big River), Socket Telecom, LLC (Socket), and XO Communications Services, Inc. (XO) (collectively the “Intervenors”) filed a joint Application to Intervene in this proceeding. Intervenors assert “...the Commission’s decision will affect their interests as providers of telecommunications services, which have submitted reports that are subject to Embarq’s request.” Intervenors say they are opposed to Embarq’s Application based on their understanding of Embarq’s request at this time.

3. That same day, Embarq filed its *Response to the Application To Intervene of Big River, Socket, and XO*. In its Response, Embarq prays Intervenor's Application be denied and, whether denied or not, its Application be granted.

4. Commission Rule 4CSR 240-3.540(5) requires, in pertinent part "...The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal...". This Rule requires the general counsel to file a pleading making a recommendation to the Commission advising whether the request should be granted.

5. The general counsel has reviewed the Applications of Embarq and Intervenors and has determined, based on its review of the pleadings filed in these proceedings, Embarq has not demonstrated sufficient facts why the public interest is better served by the disclosure of this information as the public interest is served by keeping this information under seal. Therefore, the general counsel recommends Embarq's Application be denied. However, as an alternative to denying Embarq's Application, the Staff suggests the Commission may schedule a hearing for taking live testimony in this matter from Embarq, the CLECs, Staff, and Office of Public Counsel.

WHEREFORE, the general counsel, on behalf of the Staff, submits its recommendation for the Commission's consideration in compliance with Commission Rule 4CSR 240-3.540(5).

Respectfully submitted,

**/s/ Robert S. Berlin**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record 30th day of January 2008.

**/s/ Robert S. Berlin**