

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

In the Matter Embarq Missouri, Inc.'s)	
Application For a Commission Finding)	
That 55 Percent of Embarq Missouri, Inc.'s)	Case No.
Total Subscriber Access Lines are in)	
Exchanges Where Its Services Have)	
Previously Declared Competitive)	

**EMBARQ'S APPLICATION FOR DECLARATION OF
COMPETITIVE STATUS**

COMES NOW Embarq Missouri, Inc. ("Embarq"), pursuant to Section 392.245.5(7), RSMo 2008, and hereby respectfully requests the Missouri Public Service Commission to make a finding that 55 percent or more of Embarq's total subscriber access lines in Missouri are in exchanges where its services have been declared competitive by the Commission, and to deem Embarq to be a competitive company under the statute. The Commission has previously granted competitive classification to Embarq's residential services in 18 exchanges and to Embarq's business services in 50 exchanges. Embarq's subscriber access lines in these competitively classified exchanges constitute approximately 68 percent of Embarq's total subscriber access lines in Missouri, substantially more than the statutorily-prescribed 55 percent. In support of its Application for Declaration of Competitive Status, Embarq states as follows:

1. Embarq is a Missouri corporation with its principle office in Jefferson City, MO. It may be contacted at the electronic mail address, facsimile and telephone number of its attorney as set forth under Paragraph 2 below. Embarq is a "local exchange telecommunications company" and a "public utility", as those terms are defined in Section 386.020, RSMo 2000.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Kevin K. Zarling
400 West 15th Street, Suite 400
Austin, Texas 78701
(512) 867-1075 (phone)
Kevin.K.Zarling@Embarq.com

with copies provided to:

John Idoux
5454 West 110th Street
Overland Park, Kansas 66211
(913) 345-6692
john.idoux@embarq.com

3. Embarq has no unsatisfied final judgments or decisions against it from any state or federal agency or court, which involves retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. Embarq does not have any annual report or assessment fees that are overdue.

4. Section 392.245.5(7) states:

Upon a finding that fifty-five percent or more of an incumbent local exchange telecommunications company's total subscriber access lines are in exchanges where such company's services have been declared competitive, the incumbent local exchange telecommunications company shall be deemed competitive and shall no longer be subject to price-cap regulation, except that rates charged for basic local telecommunications service in exchanges that were noncompetitive immediately prior to this finding can be increased to a rate that is no higher than the statewide average rate for basic local telecommunications service in the incumbent local exchange company's competitively classified exchanges for a period of four years. During the four year period, any annual increase in rates for residential basic local telecommunications service shall not exceed two dollars per line per month. Rates charged for exchange access service by an incumbent local exchange telecommunications company deemed competitive shall not exceed the rates charged at the time the company was deemed competitive.

5. Over the course of six years and nine proceedings, the Commission has previously granted Embarq competitive classification for residential services, other than exchange access

services, in 18 exchanges and for business services, other than exchange access services, in 50 exchanges, as summarized in the following chart:

<i>Case No.</i>	<i>Exchanges Granted Competitive Classification</i>
IO-2003-0281	Residential: Kearney, Norborne, Rolla Business: Kearney, Norborne, Rolla
IO-2006-0092	Residential: Ferrelview, Platte City, and Weston Business: Ferrelview, Platte City, St. Robert, and Waynesville
TO-2006-0375	Business: Jeff City / Holt Summit Residence: Jeff City / Holt Summit
IO-2006-0551	Residence: Buckner, Odessa, Oak Grove, Lake Lotawana & Pleasant Hill
TO-2007-0301	Business: Lebanon
TO-2008-0028	Residential: Lebanon
TO-2008-0147	Residential: Ft. Leonard Wood, St. Robert and Waynesville Business: Warrensburg
TO-2008-0380	Residential: Salem Business: Buckner, Oak Grove, Odessa, Pleasant Hill, and Salem
TO-2009-0061	Residential: Lone Jack Business: Appleton City, Butler, California, Centerview, Clinton, Cole Camp, Eugene, Fort Leonard Wood, Greenridge, Harrisonville, Henrietta, Holden, King City, Lake Lotawana, Leeton, Lexington, Lincoln, Lone Jack, Maryville, Missouri City, Montrose, New Bloomfield, Newburg, Pickering, Richland, Russellville, Sweet Springs, Tarkio, Tipton, Urich, Warsaw, Waverly, Wellington, Weston, and Windsor

6. Embarq intends to exercise its statutory right to be classified as competitive telecommunications company. As demonstrated in the Affidavit of John R. Idoux, Manager-Regulatory Affairs for Embarq Missouri, appended as Attachment 1 (with an HC schedule), the access lines in Embarq's exchanges that have been previously designated as competitive by the Commission constitutes 68 percent of Embarq's total subscriber access lines.

7. Embarq's Application does not request any price changes. Embarq acknowledges that all rates currently in effect will remain in effect until such time as 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, and Embarq will be required to notify its customers of any future price increase.

WHEREFORE, Embark Missouri respectfully requests that the Commission issue an order (1) finding that 55 percent or more of Embark Missouri's total subscriber access lines are in exchanges where its services have been declared competitive; and (2) deeming Embark Missouri a competitive company and no longer subject to price cap regulation pursuant to Section 392.245.5(7) RSMo. (2008)

Respectfully submitted,

EMBARQ MISSOURI, INC.



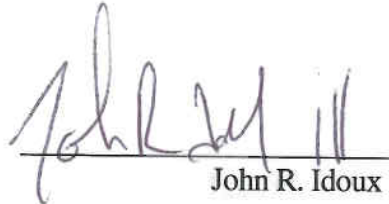
Craig T. Smith MO Bar No. 27793
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KSOPKJ0401
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VERIFICATION

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

I, John R. Idoux III, being duly affirmed according to law, depose and say that I am authorized to make this affidavit on behalf of Embarras Missouri, Inc., being the Manager, Regulatory Affairs, and that the facts above set forth are true and correct to the best of my knowledge, information and belief.


John R. Idoux III

SUBSCRIBED AND SWORN to before me this 28th day of October 2008.

My Commission Expires:





Notary Public in and for said
County and State

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of October 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
Deputy General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101
gencounsel@psc.mo.gov

Lewis Mills
Office of the Public Counsel
P. O. Box 2200
Jefferson City, MO 65101
opcservice@ded.mo.gov

A handwritten signature in cursive script, appearing to read "Kathryn M. Nelson", written over a horizontal line.

Embarq Missouri, Inc.
Subscriber Access Line Count by Competitive Exchange

Summary

Total Access Lines (2007 Annual Report)	199,110
Total Competitive Lines (2007 Annual Report)	135,482
Percent Competitive	68.04%

Detail by Exchange

Exchange	Total Access Lines (1)		Competitive Status Obtained		Lines in Competitive Exchanges	
	Residential	Business	Residential	Business	Residential	Business
Appleton City				TO-2009-0061		
Blackburn						
Blairtown						
Brazito						
Buckner			IO-2006-0551	TO-2008-0380		
Butler				TO-2009-0061		
Calhoun						
California				TO-2009-0061		
Camden Point						
Centertown						
Centerview				TO-2009-0061		
Chilhowee						
Clarksburg						
Clinton				TO-2009-0061		
Coal						
Cole Camp				TO-2009-0061		
Craig						
Dearborn						
Deepwater						
Edgerton						
Eugene				TO-2009-0061		
Fairfax						
Ferrelview			IO-2006-0092	IO-2006-0092		
Ft. Leonard Wood			TO-2008-0147	TO-2009-0061		
Greenridge				TO-2009-0061		
Hardin						
Harrisonville				TO-2009-0061		
Henrietta				TO-2009-0061		
Holden				TO-2009-0061		
Holt						
Hopkins						
Houstonia						
Ionia						
Jefferson City			TO-2006-0375	TO-2006-0375		
Kearney			IO-2003-0281	IO-2003-0281		
King City				TO-2009-0061		
Kingsville						
Lake Lotawana			IO-2006-0551	TO-2009-0061		
Lebanon			TO-2008-0028	TO-2007-0301		
Leeton				TO-2009-0061		
Lexington				TO-2009-0061		
Lincoln				TO-2009-0061		
Lone Jack			TO-2009-0061	TO-2009-0061		
Malta Bend						
Maryville				TO-2009-0061		

Missouri City		TO-2009-0061	
Montrose		TO-2009-0061	
Mound City			
New Bloomfield		TO-2009-0061	
Newburg		TO-2009-0061	
Norborne	IO-2003-0281	IO-2003-0281	
Oak Grove	IO-2006-0551	TO-2008-0380	
Odessa	IO-2006-0551	TO-2008-0380	
Orrick			
Otterville			
Pickering		TO-2009-0061	
Platte City	IO-2006-0092	IO-2006-0092	
Pleasant Hill	IO-2006-0551	TO-2008-0380	
Richland		TO-2009-0061	
Rolla	IO-2003-0281	IO-2003-0281	
Russellville		TO-2009-0061	
St. Robert	TO-2008-0147	IO-2006-0092	
St. Thomas			
Salem	TO-2008-0380	TO-2008-0380	
Smithton			
Strasburg			
Sweet Springs		TO-2009-0061	
Syracuse			
Taos			
Tarkio		TO-2009-0061	
Tipton		TO-2009-0061	
Urich		TO-2009-0061	
Warrensburg		TO-2008-0147	
Warsaw		TO-2009-0061	
Waverly		TO-2009-0061	
Waynesville	TO-2008-0147	IO-2006-0092	
Wellington		TO-2009-0061	
Weston	IO-2006-0092	TO-2009-0061	
Windsor		TO-2009-0061	
Total	199,110		135,482 68.04%

(1) Per 2007 Annual Report

GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.
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LOCAL EXCHANGE SERVICE RATE GROUPS

X. COMPETITIVE EXCHANGES

The following exchanges are classified as competitive:

A. Residence

Appleton City ⁽⁹⁾	Eugene ⁽⁹⁾	Lexington ⁽⁹⁾	Russellville ⁽⁹⁾
Blackburn ⁽⁹⁾	Fairfax ⁽⁹⁾	Lincoln ⁽⁹⁾	St. Robert ⁽⁶⁾
Blairstown ⁽⁹⁾	Ferrelview ⁽²⁾	Lone Jack ⁽⁸⁾	St. Thomas ⁽⁹⁾
Brazito ⁽⁹⁾	Ft. Leonard Wood ⁽⁶⁾	Malta Bend ⁽⁹⁾	Salem ⁽⁷⁾
Buckner ⁽⁴⁾	Green Ridge ⁽⁹⁾	Maryville ⁽⁹⁾	Smithton ⁽⁹⁾
Butler ⁽⁹⁾	Hardin ⁽⁹⁾	Missouri City ⁽⁹⁾	Strasburg ⁽⁹⁾
Calhoun ⁽⁹⁾	Harrisonville ⁽⁹⁾	Montrose ⁽⁹⁾	Sweet Springs ⁽⁹⁾
California ⁽⁹⁾	Henrietta ⁽⁹⁾	Mound City ⁽⁹⁾	Syracuse ⁽⁹⁾
Camden Point ⁽⁹⁾	Holden ⁽⁹⁾	New Bloomfield ⁽⁹⁾	Taos ⁽⁹⁾
Centertown ⁽⁹⁾	Holt ⁽⁹⁾	Newburg ⁽⁹⁾	Tarkio ⁽⁹⁾
Centerview ⁽⁹⁾	Hopkins* ⁽⁹⁾	Norborne ⁽¹⁾	Tipton ⁽⁹⁾
Chilhowee ⁽⁹⁾	Houstonia ⁽⁹⁾	Oak Grove ⁽⁴⁾	Urich ⁽⁹⁾
Clarksburg ⁽⁹⁾	Ionia ⁽⁹⁾	Odessa ⁽⁴⁾	Warrensburg ⁽⁹⁾
Clinton ⁽⁹⁾	Jefferson City ⁽³⁾	Orrick ⁽⁹⁾	Warsaw ⁽⁹⁾
Coal ⁽⁹⁾	Kearney ⁽¹⁾	Otterville ⁽⁹⁾	Waverly ⁽⁹⁾
Cole Camp ⁽⁹⁾	King City ⁽⁹⁾	Pickering ⁽⁹⁾	Waynesville ⁽⁶⁾
Craig ⁽⁹⁾	Kingsville ⁽⁹⁾	Platte City ⁽²⁾	Wellington ⁽⁹⁾
Dearborn ⁽⁹⁾	Lake Lotawana ⁽⁴⁾	Pleasant Hill ⁽⁴⁾	Weston ⁽²⁾
Deepwater ⁽⁹⁾	Lebanon ⁽⁵⁾	Richland ⁽⁹⁾	Windsor ⁽⁹⁾
Edgerton ⁽⁹⁾	Leeton ⁽⁹⁾	Rolla ⁽¹⁾	

(N)

(N)

All services in competitive exchanges are eligible for exchange-specific pricing. 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.

(D)

- (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.
- (6) Competitive Service Classification pursuant to Case No. TO-2008-0147, effective December 6, 2007.
- (7) Competitive Service Classification pursuant to Case No. TO-2008-0380, effective July 3, 2008.
- (8) Competitive Service Classification pursuant to Case No. TO-2009-0061, effective October 28, 2008.
- (9) **Competitive Service Classification pursuant to Case No. XX-XXXX-XXXX, effective November 28, 2008.**

(N)

(N)

* Includes North Hopkins, Iowa

ISSUED:
October 28, 2008BY: Darlene N. Terry
Manager - Tariffs
5454 W. 110th Street
Overland Park, Kansas 66211EFFECTIVE:
November 28, 2008

GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.
d/b/a EmbarqSecond Revised Page 24
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LOCAL EXCHANGE SERVICE RATE GROUPS

X. COMPETITIVE EXCHANGES (Continued)

The following exchanges are classified as competitive:

B. Business

Appleton City ⁽⁷⁾	Eugene ⁽⁷⁾	Lexington ⁽⁷⁾	Russellville ⁽⁷⁾
Blackburn ⁽⁸⁾	Fairfax ⁽⁸⁾	Lincoln ⁽⁷⁾	St. Robert ⁽²⁾
Blairstown ⁽⁸⁾	Ferrelview ⁽²⁾	Lone Jack ⁽⁷⁾	St. Thomas ⁽⁸⁾
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- (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.
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GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.
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October 28, 2008

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

EFFECTIVE:
November 28, 2008

P.S.C. MO.-No. 22 Section 51
GENERAL EXCHANGE TARIFF

Embarq Missouri, Inc.
d/b/a Embarq

Fifth Revised Page 9
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RESERVED FOR FUTURE USE

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

In the Matter Embarq Missouri, Inc.'s)	
Application For a Commission Finding)	
That 55 Percent of Embarq Missouri, Inc.'s)	Case No.
Total Subscriber Access Lines are in)	
Exchanges Where Its Services Have)	
Previously Declared Competitive)	

AFFIDAVIT OF JOHN R IDOUX III

STATE OF KANSAS)	
)	SS
CITY OF OVERLAND PARK)	

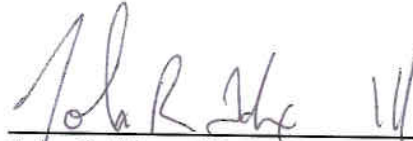
I, John R. Idoux III, of lawful age, being duly sworn, depose and state:

1. My name is John R. Idoux III. I am Manager for Regulatory Affairs for Embarq Corporation. I am responsible for advocating and managing regulatory policy for Embarq Missouri, Inc.
2. I have submitted this affidavit in support of Embarq's Application to the Missouri Public Service Commission ("Commission") for a finding that 55 % or more of Embarq's total subscriber access lines are in exchanges where its services have been declared competitive, and to deem Embarq to be a competitive company under Section 392.245.5(7) as amended by House Bill 1779 ("HB1779").
3. I have attached to this affidavit, as Schedule 1(HC), a spreadsheet we prepared showing that 68% of Embarq's subscriber access lines are located in exchanges previously designated by the Commission as competitive for the respective service.
4. The summary at the top of Schedule 1 (HC) shows how I calculated that 68% of Embarq's total subscriber access lines are located in exchanges competitively classified for the respective service. It shows that I divided the total competitive access by the total number of access lines to derive the percent competitive.
5. Embarq has filed this Schedule as "Highly Confidential." Access line information disaggregated in this fashion and provided at this level of geographical detail is very competitively sensitive. It reveals the number of access lines a carrier serves on a very specific and localized geographic basis. Accordingly, this information falls squarely within Section A(3) of the "Highly Confidential" classification of the Commission's Standard Protective Order: "market-specific information relating to services offered in competition with others," and Section (1)(A) of the Commission's rules governing

confidential information, 4 CSR 240-2.135(1)(A). This internal market-share information has been developed at great expense and is closely guarded. If made public, this type of information would make carriers more vulnerable to the marketing efforts of their competitors. As a result, access line information at the exchange level of detail is kept confidential by carriers in the industry and is not available to the public in any format.


6. Schedule 1(HC) was prepared by me, using access line counts from Embark's 2007 Annual Report, and it is true and correct to the best of my knowledge, information and belief.

Further affiant sayeth not.



John R. Idoux III

Subscribed and sworn to before me on this 28th day of October, 2008.



Notary Public

My Appointment Expires on

