

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

In Re: Master Resale Agreement by and)
Between Ernest Communications, Inc. and)
Embarq Missouri, Inc. Pursuant to) Case No. TO-2008-0283
Sections 251 and 252 of the)
Telecommunications Act of 1996.)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On February 27, 2008, Embarq Missouri, Inc. d/b/a Embarq filed an application with the Commission for approval of a master resale agreement with Ernest Communications, Inc. (Ernest) under the provisions of the Telecommunications Act of 1996.

2. Embarq stated that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act because it is not discriminatory to nonparty carriers and it is consistent with the public interest.

3. Even though Ernest Communications is a party to the agreement, it did not join in the application, therefore, the Commission joined Ernest as a party on March 5, 2008 in order to ensure a full and fair adjudication of this matter.

4. The Federal Telecommunications Act of 1996 provides that an interconnection or resale agreement must be approved unless the Commission determines that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is inconsistent with the public interest, convenience, or necessity.

5. The Staff of the Missouri Public Service Commission has reviewed the proposed agreement and prepared a memorandum, attached hereto as Appendix A.

6. In its memorandum, Staff states that it believes that the proposed agreement meets the limited requirements of the Telecommunications Act of 1996.

7. Specifically, Staff believes that the proposed agreement does not discriminate against telecommunications carriers not a party to the agreement, and the proposed agreement is not against the public interest, convenience, or necessity.

8. Furthermore, Staff recommends that the Commission direct the parties to submit any modifications or amendments to the Commission.

WHEREFORE, the Staff recommends that the Commission approve the master resale agreement and find that the proposed agreement does not discriminate against telecommunications carriers not a party to the agreement, and the proposed agreement is not against the public interest, convenience, or necessity. Staff further recommends that the Commission direct the parties to submit any modifications or amendments to the Commission.

Respectfully submitted,

/s/ **Blane Baker**
Blane Baker
Missouri Bar No. 58454

Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28th day of March 2008.

/s/ Blane Baker
Blane Baker

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TO-2008-0283**
Party: **Embarq Missouri, Inc.**
Type of Carrier:
 ILEC
 CLEC
 Wireless

Party: **Ernest Communications, Inc.**
Type of Carrier:
 ILEC
 CLEC
 Wireless

From: Walt Cecil, Telecommunications Department

William L. Voight / 3/27/2008 Blane Baker / 3/27/2008
Utility Operations Division/Date General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement or
Amendment to Interconnection Agreement

Date: March 27, 2008

Date Filed: February 27, 2008

Staff Deadline: April 4, 2008

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- Interconnection Agreement
- Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

No applications to intervene filed.

Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

The Company is not delinquent in filing an annual report and paying the PSC assessment.

The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(No annual report Unpaid PSC assessment. Amount owed:)

