

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

In the Matter of Embarq Missouri, Inc.'s Application )  
for a Commission Finding that 55 Percent of Embarq )  
Missouri, Inc.'s Total Subscriber Access Lines are in ) **Case No. TO-2009-0160**  
Exchanges Where its Services Have Previously )  
Been Declared Competitive )

**ORDER TO SHOW CAUSE WHY AN**  
**ORDER GRANTING COMPETITIVE**  
**CLASSIFICATION SHOULD NOT BE ISSUED**

Issue Date: November 18, 2008

Effective Date: November 18, 2008

On August 28, 2008, HB 1779 became effective. Under Section 392.245.5(7) of the legislation, an incumbent local exchange carrier will be deemed competitive and no longer subject to price cap regulation once the Commission makes a finding that 55% or more of the company's total subscriber access lines are in exchanges where the company's services have been designated as "competitive."

On October 28, 2008, Embarq Missouri, Inc. filed an application for Declaration of Competitive Status. Embarq stated that 55% or more of its total subscriber access lines are in exchanges where its services have been declared competitive. Embarq further stated the company has met the statutory standard to be deemed competitive under Section 392.245.5(7).

On November 13, 2008 the Staff of the Missouri Public Service Commission filed their Staff Recommendation. Staff reviewed Embark's filing and made no objections to granting Embark status as a competitively classified company and approving Embark's

proposed tariff filings. Staff stated Embarrq easily meets the criteria that 55% or more of its access lines are in exchanges where its services have been declared competitive.

The Commission will allow interested persons an opportunity to show cause why an order granting competitive classification should not be issued for Embarrq.

**IT IS ORDERED THAT:**

1. Interested persons shall file a statement, no later than December 1, 2008, showing cause why the Commission should not issue an order granting competitive classification to Embarrq Missouri, Inc.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law  
Judge, by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18th day of November, 2008.