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January 30, 2009

Chairman Eddie Roberson  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

filed electronically in docket office on 01/30/09

Re: United Telephone-Southeast, Inc. d/b/a Embarq Tariff Filing to Increase Rates in  
Conjunction With the Approved 2007 Annual Price Cap Filing

Docket No. 07-00269

Dear Chairman Roberson:

Enclosed are an original and four (4) copies of United Telephone Southeast LLC d/b/a Embarq's ("Embarq") Opposition to the Consumer Advocate's Motion for Reconsideration in the above-referenced Docket. Embarq has already filed this petition electronically and this letter is the required follow-up to that filing.

Please do not hesitate to contact me with any questions concerning this matter.

Sincerely yours,

Edward Phillips

HEP:sm

Enclosure

cc: Office of the Tennessee Attorney General

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BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

In Re:

United Telephone-Southeast, Inc. d/b/a Embarq  
Tariff Filing to Increase Rates in Conjunction  
with the Approved 2007 Annual Price Cap Filing

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Docket No. 07-00269

**RESPONSE OF UNITED TELEPHONE SOUTHEAST LLC D/B/A EMBARQ IN  
OPPOSITION TO CONSUMER ADVOCATE’S MOTION FOR RECONSIDERATION**

United Telephone Southeast LLC d/b/a Embarq (“Embarq”) hereby submits its opposition to the Office of the Attorney General, Consumer Advocate and Protection Division’s (“Consumer Advocate”), Motion for Reconsideration (“Motion”) of the Tennessee Regulatory Authority’s (“Authority”) “Order Approving Directory Assistance Tariff” dated January 8, 2009.

The bulk of the Consumer Advocate’s Motion concerns matters which have been thoroughly litigated in this docket. As such, further response from Embarq is not warranted. However, Embarq would like to respond to the Consumer Advocate’s portrayal of the Virginia State Corporation Commission’s “Final Order” dated December 23, 2008 in Case No. PUC-2008-00046. In that case, the Virginia Telecommunications Industry Association (“VTIA”) filed an application requesting the elimination of all local directory assistance calling allowances. The Virginia Commission ultimately granted a reduction from 3 to 2 allowances per month. Based upon a single sentence in a Commission Staff report,<sup>1</sup> the Commission seemingly rested

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<sup>1</sup> “In addition, no evidence has been presented to demonstrate that alternative DA providers are able to furnish numbers not available in directories or through the LEC’s directory assistance.” *See* Staff Report, October 24, 2008 at pp. 9-10; attached as Attachment 2 to Embarq’s October 31, 2008 Post-Hearing Brief

much of its decision not to eliminate or allow a greater reduction in local directory assistance allowances on a concern:

that the complete elimination of free LEC DA would require customers to pay to obtain telephone numbers that are neither available in their printed directories nor available through an alternative DA source. As correctly recognized by the Staff, the VTIA has not established that all of the numbers available through LEC DA can be, or are being, provided by alternative DA providers.<sup>2</sup>

The Virginia Commission's concern is unfounded. While Embarq does not control how often alternative providers of local directory update their local directory assistance databases, Embarq does nothing to hinder such alternative providers from having real time access to its directory updates. Specifically, Embarq updates its local directory listings and provides these updates to compilers of national lists on a daily basis.

The testimony Embarq provided in this docket listed numerous alternative providers of local directory assistance, which were found by the majority to support a policy decision favoring the reduction of free directory assistance call allowances from 3 to 1 per month. Among the providers listed were DA America, free411.com and AT&T. The websites for these alternative providers explain:

- For DA America: "Every morning, we rebuild our national directory assistance database — over 180 million listings — insuring maximum accuracy. If someone had a phone turned on yesterday; it's in our database today." See <http://www.daamerica.com/>
- free411.com: "Get the most accurate residential and business listings online. That's because we use the same real-time data phone companies do." See <http://www.free411.com/about/>

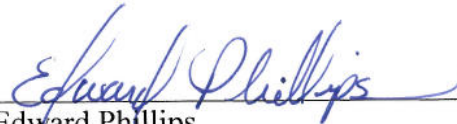
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<sup>2</sup> *Id.* at p. 6.

- AT&T: “You receive the high quality service you expect from AT&T” and “You get the same information as you would from online Directory Assistance without having to access the Internet.” See <http://www.att.com/Common/1800yellowpages/product.htm>

The Consumer Advocate’s Motion should be denied, as it raises matters already considered by the Authority. The majority has already made a finding that directory assistance alternatives are available to the consuming public. Further, the new matter the Consumer Advocate wishes to now raise in this docket (a) should have been championed by the Consumer Advocate during the Authority’s year long consideration of Embarq’s tariff filing when it could have been subject to due process requirements and (b) found to be erroneous when placed under basic scrutiny by the Authority.

Respectfully submitted this 30th day of January, 2009.



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# CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing response to counsel listed below by depositing a copy of the same in the United States Mail, first-class postage prepaid, and by electronic transmission to counsel.

This 30th day of January, 2009.

Ryan L. McGehee  
Assistant Attorney General  
Office of the Tennessee Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202-0207

  
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Edward Phillips  
Counsel