

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**Joint Application of The United Telephone Company of
PA, LLC d/b/a Embarq PA and Embarq
Communications, Inc. for Approval of the Indirect
Transfer of Control to CenturyTel, Inc.**

**PUBLIC MEETING
May 28, 2009
2076038-OSA
Docket No. A-2008-2076038**

STATEMENT OF COMMISSIONER KIM PIZZINGRILLI

Today the Commission approves, with conditions, this proposed merger. While I support approval of the merger, as in the public interest, I am concerned that the additional reporting requirements imposed on the merged company fall outside of the reports permitted to be required by the Commission under Chapter 30. See 66 Pa. C.S. § 3015(e).

The Commission's authority to require reporting of a regulated local exchange telecommunications carrier (LEC) is statutorily limited to the reports designated in Section 3015 (e), unless it first makes specific findings that (1) "the report is necessary to ensure that the LEC's rates are in compliance with [Chapter 30] and its effective alternative form of regulation" and (2) "the benefits of the report substantially outweigh the...expense and administrative time and effort required of the [LEC] to prepare it." 66 Pa. C.S. § 3015(f).

The ALJ approved the merger without conditions specifically finding, among other things, that the record was devoid of evidence to support the specific findings required by law to justify additional LEC reporting. See ID at 32.

I agree with the ALJ that the additional reporting requirements are unsupported by the record; however, I support the overall approval of the merger. Therefore, I dissent only from the portion of the majority's action that imposes these requirements.

May 28, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER