

2006-02-28 16:17:00 Commission
STATE CORPORATION COMMISSION
75/ Susan K. Duffy Commission

Citizens' Utility Ratepayer Board



State of Kansas
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February 28, 2006

Brian J. Moline, Chair
Robert E. Krehbiel, Commissioner
Michael C. Moffet, Commissioner

STATE CORPORATION COMMISSION

FEB 28 2006

RE: 06-SCCC-200-MIS

Susan K. Duffy Docket Room

Dear Commissioners:

CURB is not a signatory to the Joint Motion for Approval of Stipulation and Agreement (Joint Motion) and the Stipulation and Agreement (S&A) filed on February 28, 2006. However, CURB participated in the settlement negotiations which resulted in the S&A. As a result of specific settlement terms negotiated between the Applicants and CURB, CURB will not oppose the Joint Motion and S&A.

CURB agrees to the submission of pre-filed testimony of the Applicants, Staff and CURB, without the witnesses taking the stand, except to the extent necessary to respond to Commission questions. CURB further waives its right to cross-examine the witnesses and to submit written briefs.

CURB's decision to not oppose the Application or S&A should not be interpreted as agreement that the public interest standard applied in this docket is applicable in any other docket, and CURB specifically reserves its right to argue that the standards and terms agreed upon in this docket are inapplicable in future dockets.

In the event the final executed *Separation and Distribution Agreement by and between Sprint Nextel Corporation and Embarq Corporation* is materially different than the draft agreement and supporting testimony submitted by the Applicants, CURB reserves its right to advocate that the Commission take appropriate action.

Sincerely,

C. Steven Rarrick
C. Steven Rarrick

cc: Parties of Record

CERTIFICATE OF SERVICE

06-SCCC-200-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was e-mailed on this 28th day of February, 2006, to the following:

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