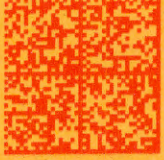




SERVICE COMMISSION  
X 360  
SON CITY MO 65102



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MAILED FROM ZIP CODE 65101



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DEC 08 2011



ADDRESSEE UNKNOWN



ADDRESSEE UNKNOWN

Business Network Long Distance, Inc.  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

FILED

DEC 27 2011

Missouri Public Service Commission

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 7<sup>th</sup> day of  
December, 2011.

In the Matter of an Investigation Into	)	
Tariff Provisions Governing	)	File No. AO-2012-0173
Liabilities in Utility Operations	)	

**ORDER OPENING INVESTIGATION**

Issue Date: December 7, 2011

Effective Date: December 7, 2011

The Commission is directing Staff to investigate tariff provisions addressing liability for damages as follows.

Recent actions before the Commission have raised issues regarding tariff provisions that address matters otherwise determined by tort law, including liability, immunity, and indemnification among public utilities, customers, and third persons. The evidence in those actions shows that such provisions are multifarious and disparate among public utilities. The Commission will consider whether uniform standards for such provisions can benefit public utilities, customers, and third persons.

To assist in that consideration, the Commission will direct Staff to survey provisions currently in effect, examine other states' policies on such provisions, and file a report. The report shall include any Staff recommendation on the matter. The Commission will also solicit public utilities' and other interested persons' informal written comments.

For all comments, and other documents generated as part of this investigation, this file will constitute the repository. This file is open to any person to file relevant comments,

and to view comments and other documents, as follows. Any person may submit comments:

- Electronically through the Commission's electronic filing and information system (EFIS) at <http://www.psc.mo.gov>. Click on the EFIS/Case filings link on the left side of the page. Scroll down and click on the public comment link. Please reference File No. AO-2012-0173.
- By hard copy mailed to the Commission at P.O. Box 360, Jefferson City, Missouri 65102. Please Reference File No. AO-2012-0173.

Any person may file view the documents in this file by following the link at <http://www.psc.mo.gov>.

The following requirements do not apply to this investigation:

- Representation through an attorney authorized to appear before the Commission;
- Compliance with laws restricting communications with the Commission, including ex parte regulations; and
- Application to intervene.

Those things are unnecessary because a contested case neither exists nor is likely to exist in this file.

**THE COMMISSION ORDERS THAT:**

1. This file shall constitute the repository for all comments and other documents generated as part of this investigation.

2. The Commission's Staff shall conduct an investigation and file a report as described in the body of this order no later than March 30, 2012.

3. Any person may file comments relevant to this matter as set forth in the body of this order.

4. The Commission's Data Center shall deliver this order to each public utility that has an effective tariff on file with the Commission.

5. The Commission's Public Information Office shall make this order available to the members of the General Assembly and to media serving the State of Missouri.

6. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



**Steven C. Reed**  
**Secretary**

(SEAL)

Gunn, Chm., Davis, Jarrett and  
Kenney, CC., concur.

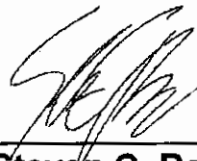
Jordan, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 7<sup>th</sup> day of December 2011.**



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**Steven C. Reed**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 7, 2011**

**File/Case No. AO-2012-0173**

**Office of the Public Counsel**  
Lewis Mills  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

**Missouri Public Service Commission**  
Office General Counsel  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
GenCounsel@psc.mo.gov

**Missouri Telecom, Inc.**  
Legal Department  
515 Cleveland, Suite C  
Monett, MO 65708

**Missouri Utilities Company**  
Legal Department  
P.O. Box 506  
Clinton, MO 64735

**Missouri-American Water Company**  
Legal Department  
727 Craig Road  
St. Louis, MO 63141

**Mitel NetSolutions, Inc.**  
Legal Department  
7300 W. Boston Street  
Chandler, AZ 85226-3229

**Mobilite, LLC**  
Legal Department  
660 Newport Center Dr., Suite 200  
Newport Beach, CA 92660

**MoKan Communications, Inc.**  
Legal Department  
112 South Broadway  
P. O. Box 429  
Louisburg, KS 66053

**MoKan Dial, Inc.**  
Legal Department  
112 S. Broadway  
P.O. Box 429  
Louisburg, KS 66053

**Moore Bend Water Company, Inc.**  
Legal Department  
872 Painter Rd.  
PO Box 6640  
Branson, MO 65615

**Multiline Long Distance, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**National Access Long Distance, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**National Directory Assistance, LLC**  
Legal Department  
12700 Townepark Way  
Louisville, KY 40243

**Nationwide Long Distance Service, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**Navigator Telecommunications, L.L.C.**  
Legal Department  
8525 Riverwood Park Dr.  
P.O. Box 13860  
North Little Rock, AR 72113

**NECC Telecom, Inc.**  
Legal Department  
4969 US Hwy 42, Ste. 2700  
Louisville, KY 40222

**Net One International, Inc.**  
Legal Department  
6933 University Blvd  
Winter Park, FL 32792

**Net Talk.com, Inc.**  
Legal Department  
1100 NW 163rd Drive, Suite B-4  
Miami, FL 33169-5816

**Netelligent Corporation**  
Legal Department  
405 South Woods Mill Rd., Ste 105  
Chesterfield, MO 63017

**Netwolves Network Services, LLC**  
Legal Department  
4710 Eisenhower Blvd., Ste. E8  
Tampa, FL 33634

**Network Billing Systems, L.L.C.**  
Legal Department  
155 Willowbrook Blvd., Ste. 130  
Wayne, NJ 07470

**Network Communications International Corp.**  
Legal Department  
606 East Magrill Street  
Longview, TX 75601

**Network Innovations, Inc.**  
Legal Department  
1101 S. Lake Street, 6th Floor  
Chicago, IL 60607

**Network Operator Services, Inc.**  
Legal Department  
119 W. Tyler, Ste 260  
P.O. Box 3529  
Longview, TX 75606

**Network Service Billing, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**Network Utilization Services**  
Legal Department  
P.O. Box 990165  
326 Commonwealth Ave. 1-F  
Boston, MA 02199

**NetworkIP, L.L.C.**  
Legal Department  
119 W. Tyler St., Ste. 100  
Longview, TX 75601

**Neutral Tandem-Missouri, LLC**  
Legal Department  
550 West Adams Street, Suite 900  
Chicago, IL 60661

**New Century Telecom, Inc.**  
Legal Department  
3050 Royal Blvd. South, #175  
Alpharetta, GA 30022

**New Florence Telephone Company**  
Legal Department  
150 S. Main  
P.O. Box 146  
Rockland, ID 83271

**New Horizons Communications Corp.**  
Legal Department  
420 Bedford Street, Suite 250  
Lexington, MA 02420

**New London Telephone Company**  
Legal Department  
P.O. Box 88  
Roachdale, IN 46172

**NextG Networks Central**  
Legal Department  
2216 O'Toole Avenue  
San Jose, CA 95131-1326

**NextGen Communications, Inc.**  
Legal Department  
275 West Street  
Annapolis, MD 21401

**NobelTel, LLC**  
Legal Department  
5973 Avenida Encinas  
Suite 202  
Carlsbad, CA 92008

**Norstar Telecommunications, LLC**  
Legal Department  
10025 Scenic View Road  
Vienna, VA 22182

**North Oak Sewer District, Inc.**  
Legal Department  
17721 N. Service Road, Suite A  
Wright City, MO 63390

**Northeast Missouri Long Distance, L.L.C.**  
Legal Department  
718 South West Street  
P.O. Box 98  
Green City, MO 63545

**Northeast Missouri Rural Telephone Company**  
Legal Department  
718 South West Street  
P.O. Box 98  
Green City, MO 63545

**NOS Communications, Inc.**  
Legal Department  
250 Pilot Road, Suite 300  
Las Vegas, NV 89119

**NOSVA Limited Partnership**  
Legal Department  
250 Pilot Road, Suite 300  
Las Vegas, NV 89119

**NovaTel LTD**  
Legal Department  
11550 IH-10 West, Suite 110  
San Antonio, TX 78230

**Oakbrier Water Company, Inc.**  
Legal Department  
406 South Allen  
Bernie, MO 63822

**Operator Service Company LLC**  
Legal Department  
5302 Avenue Q  
Lubbock, TX 79412

**Opex Communications, Inc.**  
Legal Department  
707 Wilshire Blvd. 12th FL.  
Los Angeles, CA 90017  
contact@nationwideregulatorycompliance.com

**Orchard Farm Telephone Company**  
Legal Department  
P.O. Box 88  
Roachdale, IN 46172

**Oregon Farmers Mutual Long Distance, Inc.**  
Legal Department  
118 East Nodaway  
P.O. Box 227  
Oregon, MO 64473

**Oregon Farmers Mutual Telephone Company**  
Legal Department  
118 East Nodaway  
P.O. Box 227  
Oregon, MO 64473

**Osage Water Company**  
Legal Department  
137 W. Franklin  
P.O. Box 506  
Clinton, MO 64735

**Otelco Telecommunications, LLC**  
Legal Department  
215 Roe Street  
P.O. Box 38  
Pilot Grove, MO 65276

**Ozark Shores Water Company**  
Legal Department  
62 Bittersweet Road  
P.O. Box 9  
Lake Ozark, MO 65049

**Ozark Telephone Company**  
Legal Department  
816 Oneida  
P.O. Box 547  
Seneca, MO 64865

**P.C.B., Inc.**  
Legal Department  
PO Box 1337  
Washington, MO 63090

**Pacific South Telecom, Inc.**  
Legal Department  
3419 Westminster Ave., Suite 312  
Dallas, TX 75205

**PAETEC Business Services**  
Legal Department  
1 Martha's Way  
Hiawatha, IA 52233

**PAETEC Communications, Inc.**  
Legal Department  
600 Willowbrook Office Park  
One PAETEC Plaza  
Fairport, NY 14450

**Pay Tel Communications, Inc.**  
Legal Department  
4230 Beechwood Drive  
PO Box 8179  
Greensboro, NC 27419

**Peace Valley Telephone Co., Inc.**  
Legal Department  
P.O. Box 9  
7101 State Rt. W  
Peace Valley, MO 65788-0009  
pvtelco@pvtelephone.com

**Peaceful Valley Service Company**  
Legal Department  
3408 B Peaceful Valley Road  
Owensville, MO 65066

**Peerless Network of Missouri, LLC**  
Legal Department  
222 S. Riverside Plaza  
Suite 2730  
Chicago, IL 60606

**Pioneer Telephone**  
Legal Department  
39 Darling Avenue  
South Portland, ME 04106  
regulatory@pioneertelephone.com

**Port Perry Service Company**  
Legal Department  
728 PCR 724  
PO Box 43  
Perryville, MO 63775

**PowerNet Global Communications**  
Legal Department  
100 Commercial Drive  
Fairfield, OH 45014  
solutions@pngmail.com

**Preferred Long Distance Inc.**  
Legal Department  
16830 Ventura Blvd Ste 350  
Encino, CA 91436

**Prime Link Long Distance, Inc.**  
Legal Department  
1000 W. Nifong Blvd., Bldg #1  
Columbia, MO 65203  
primelink@tranquility.net

**Primus Telecommunications, Inc.**  
Legal Department  
7901 Jones Branch Dr. # 900  
McLean, VA 22102-3316

**Protocall Telecom L.L.C.**  
Legal Department  
14927 S. Caenen Lane  
Olathe, KS 66062

**Public Communications Services, Inc.**  
Legal Department  
12021 Sunset Hills Rd, Suite 100  
Reston, VA 20190

**Public Funding Corporation of Ozark, Mo**  
Legal Department  
205 North 1st Street  
P.O. Box 295  
Ozark, MO 65721



**Public Wireless, Inc.**  
Legal Department  
25 East Trimble Road  
San Jose, CA 95131

**Pulse Telecom LLC**  
Legal Department  
4969 US Hwy 42, Ste. 2700  
Louisville, KY 40222

**QuantumShift Communications, Inc.**  
Legal Department  
12657 Alcosta Boulevard, Suite 418  
San Ramon, CA 94583

**Quasar Communications Corporation**  
Legal Department  
15610 Boulder Oaks Drive  
Houston, TX 77084-3009

**QX Telecom, LLC**  
Legal Department  
230 5th Avenue, Suite 800  
New York, NY 10001

**R. D. Sewer Co., L.L.C.**  
Legal Department  
P.O. Box 302  
Wappapello, MO 63966

**Raytown Water Company**  
Legal Department  
9820 East 63rd Street  
Raytown, MO 64133

**Reduced Rate Long Distance, L.L.C.**  
Legal Department  
1800 Pembroke Drive., Suite 300  
c/o Dominion Business Group  
Orlando, FL 32810

**Reliant Communications, Inc.**  
Legal Department  
801 International Parkway, 5th Floor  
Lake Mary, FL 32746

**Residential Long Distance, Inc.**  
Legal Department  
300 Maple Park Blvd., Ste 301  
St. Clair Shores, MI 48081

**Reunion Communications, Inc.**  
Legal Department  
106 W. Calendar Avenue #190  
LaGrange, IL 60525

**Rex Deffenderfer Enterprises, Inc.**  
Legal Department  
1770 North Deffer Drive, Ste 4  
Nixa, MO 65714

**Riverfork Water Company**  
Legal Department  
P.O. Box 1080  
786 Croley Blvd.  
Nixa, MO 65714-1080

**Rock Port Long Distance**  
Legal Department  
P. O. Box 147  
214 S. Main Street  
Rock Port, MO 64482

**Rock Port Telephone Company**  
Legal Department  
214 S. Main Street  
P.O. Box 147  
Rock Port, MO 64482

**Rodeo Telecom, Inc.**  
Legal Department  
3550 Wilshire Blvd. 17th Floor  
Los Angeles, CA 90010

**Rogue Creek Utilities, Inc.**  
Legal Department  
10201 Windcrest Rd.  
Potosi, MO 63664

**Roy-L Utilities, Inc.**  
Legal Department  
366 Hwy. F  
High Hill, MO 63350

**Rystec, Inc.**  
Legal Department  
515 S. Second Street  
Branson, MO 65616

**S-GO Long Distance**  
Legal Department  
816 Oneida  
P.O. Box 547  
Seneca, MO 64865

**S. K. & M. Water and Sewer Company**  
Legal Department  
P.O. Box 212  
Perryville, MO 63775

**Sage Telecom, Inc.**  
Legal Department  
3300 East Renner Road  
Suite 350  
Richardson, TX 75082-2800  
accountspayable@sagetelecom.net

**Seges Partners Mobile Home Park, L.L.C.**  
Legal Department  
1435 Thompson Boulevard, Suite B  
Sedalia, MO 65301

**Seneca Telephone Company**  
Legal Department  
816 Oneida Avenue  
P.O. Box 329  
Seneca, MO 64865

**Sho-Me Technologies, LLC**  
Legal Department  
301 West Jackson  
P.O. Box D  
Marshfield, MO 65706

**Sily Communication, Inc**  
Legal Department  
3460 Wilshire Boulevard, Suite 1103  
Los Angeles, CA 90010

**SmarTalk**  
Legal Department  
One AT&T Way, Room 2B115E  
Bedminster, NJ 07921

**Smithview H2O Company**  
Legal Department  
1501 Vandiver #88  
Columbia, MO 65202

**Socket Telecom, LLC**  
Legal Department  
2703 Clark Lane  
Columbia, MO 65202-1118

**SOEC Technologies, LLC**  
Legal Department  
4815 E. Hwy 54  
P.O. Box 111  
El Dorado Springs, MO 64744

**Sonic Telecom, LLC**  
Legal Department  
2260 Apollo Way  
Santa Rosa, CA 95407

**Southern Missouri Natural Gas**  
Legal Department  
P.O. Box 847  
500 W. 19th  
Mountain Grove, MO 65711

**Southtown Utilities Company, Inc.**  
Legal Department  
4762 S 131st Rd  
P.O. Box 178  
Bolivar, MO 65613

**Southwest Communications, Inc.**  
Legal Department  
4100 North Mulberry Drive, Suite 100  
Kansas City, MO 64116

**Spokane Highlands Water Company**  
Legal Department  
290 Highland Drive  
Spokane, MO 65754

**Sprint Communications Company, L.P.**  
Legal Department  
6200 Sprint Parkway  
Overland Park, KS 66251

**Startec**  
Legal Department  
433 E. Las Colinas Blvd., Ste. 400  
Irving, TX 75039

**Steelville Long Distance Company, Inc.**  
Legal Department  
61 E. Highway 8  
P.O. Box 370  
Steelville, MO 65565

**Steelville Telephone Exchange, Inc.**  
Legal Department  
61 East Highway 8  
P.O. Box 370  
Steelville, MO 65565-0370

**STi Prepaid, LLC**  
Legal Department  
1250 Broadway, 26th Floor  
New York, NY 10001

**Stockton Hills Water Company**  
Legal Department  
808 South Street  
P.O. Box 276  
Stockton, MO 65785

**Stouffer Communications, Inc.**  
Legal Department  
126 South Beaver Ave.  
P.O. Box 200  
Granby, MO 64844

**Stoutland Telephone Company**  
Legal Department  
P.O. Box 88  
Roachdale, IN 46172

**Suddenlink Communications (Mercury Voice)**  
Legal Department  
12444 Powerscourt Drive  
St. Louis, MO 63131

**SureWest Kansas Licenses, LLC**  
Legal Department  
14859 W. 95th Street, Lenexa KS  
PO Box 969  
Roseville, CA 95661-0969  
regulatory@surewest.com

**Switched Services Communications, L.L.C.**  
Legal Department  
5000 Plaza on the Lake, Suite 200  
Austin, TX 78746

**Taney County Utilities Corporation**  
Legal Department  
P.O. Box 177  
116 Laughing Lane  
Rockaway Beach, MO 65740

**Taney County Water, LLC**  
Legal Department  
786 Croley Blvd  
PO Box 1080  
Nixa, MO 65714

**Taneycomo Highlands, Inc.**  
Legal Department  
22992 Sans Souci Dr  
HC-2 Box 2086  
Shell Knob, MO 65747

**TBJ Sewer Systems, Inc.**  
Legal Department  
5686 Gildehaus Road  
Villa Ridge, MO 63089  
tbj\_sewer\_systems\_inc@yahoo.com

**TCG Kansas City, Inc.**  
Legal Department  
One AT&T Way, Room 2B115E  
Bedminster, NJ 07921

**TCG St. Louis**  
Legal Department  
One AT&T Way, Room 2B115E  
P.O. Box 752  
Bedminster, NJ 07921-2694

**TCO Network, Inc**  
Legal Department  
13400 Bishops Ln., Ste 295  
Brookfield, WI 53005

**TDS Long Distance Corporation**  
Legal Department  
525 Junction Road  
Madison, WI 53717

**TelCove Operations, Inc.**  
Legal Department  
1025 Eldorado Blvd.  
Broomfield, CO 80021

**Tele Circuit Network Corporation**  
Legal Department  
1815 Satellite Blvd., Ste. 504  
PO Box 958283  
Duluth, GA 30095

**Telecare, Inc.**  
Legal Department  
444 Lafayette Road  
Noblesville, IN 46060

**Telecom North America, Inc.**  
Legal Department  
1802 N. Carson St. Suite 108-2683  
Carson City, NV 89701

**Teleconnect Long Distance  
Services & Systems Company**  
Legal Department  
22001 Loudoun County Parkway  
Ashburn, VA 20147

**TeleQuality Communications, Inc**  
Legal Department  
16601 Blanco Road, Ste. 207  
San Antonio, TX 78232

**TeleUno, Inc.**  
Legal Department  
2754 W. Atlantic Blvd., Suite 8  
Pompano Beach, FL 33069  
corporateoffice@teleuno.com

**Telmex USA, L.L.C.**  
Legal Department  
3350 SW 148 Avenue, Suite 400  
Miramar, FL 33027

**Telrite Corporation**  
Legal Department  
4113 Monticello Street  
Covington, GA 30014

**Terre Du Lac Utilities Corporation**  
Legal Department  
1628 S. St. Francois Road  
Bonne Terre, MO 63628

**The Sienna Group**  
Legal Department  
6460 Harrison Ave., Ste. 302  
Cincinnati, OH 45247

**Timber Creek Sewer Company**  
Legal Department  
18305 Cable Bridge Rd  
P.O. Box 511  
Platte City, MO 64079

**Time Warner Cable (TWCIS)**  
Legal Department  
60 Columbus Circle  
New York, NY 10023

**TMC Communications**  
Legal Department  
5LINX Enterprises, Inc.,  
275 Kenneth Drive  
Rochester, NY 14623

**Toly Digital Networks, Inc.**  
Legal Department  
4425 Military Trail, Ste. 209  
Jupiter, FL 33458-4817

**Total Call International, Inc.**  
Legal Department  
707 Wilshire Boulevard, 12th FL  
Los Angeles, CA 90017

**Touchtone Communications Inc.**  
Legal Department  
16 South Jefferson Road  
Whippany, NJ 07981

**Trans National Communications  
International, Inc.**  
Legal Department  
2 Charlesgate West  
Boston, MA 02215

**Tri-States Utility, Inc**  
Legal Department  
302 Terrace Road  
Branson, MO 65616

**TSI**  
Legal Department  
3629 Cleveland Avenue, Suite C  
P.O. Box 247168  
Columbus, OH 43224

**TTI National, Inc.**  
Legal Department  
22001 Loudoun County Parkway  
Ashburn, VA 20147

**tw telecom of kansas city, llc**  
Legal Department  
10475 Park Meadows Dr., Ste. 400  
Littleton, CO 80124

**U.S. South**  
Legal Department  
250 Williams St. Ste M-100  
Atlanta, GA 30303

**U.S. Telecom Long Distance, Inc.**  
Legal Department  
3960 Howard Hughes Pkwy  
Las Vegas, NV 89109

**U.S. Water Company**  
Legal Department  
8901 State Line Road, Suite 250  
Kansas City, MO 64114

**UCN, Inc.**  
Legal Department  
7730 S. Union Park Ave. Ste. 500  
Midvale, UT 84047

**Uni-Tel Communications Group, Inc.**  
Legal Department  
932 N. Wright St., Suite 104  
P.O. Box 1000  
Naperville, IL 60563

**Union Electric Company**  
Legal Department  
1901 Chouteau Avenue  
P.O. Box 66149, Mail Code 1310  
St. Louis, MO 63166-6149  
AmerenMOService@ameren.com

**Unite Private Networks, LLC**  
Legal Department  
950 W 92 Hwy, Suite 203  
P.O. Box 25526  
Kansas City, MO 64119

**United American Technology, Inc.**  
Legal Department  
1401 S Fretz Dr.  
Edmond, OK 73003

**US Signal Company, L.L.C.**  
Legal Department  
201 Ionia Avenue SW  
Grand Rapids, MI 49503

**USA Digital Communications, Inc.**  
Legal Department  
300 Johnny Bench Drive  
Oklahoma City, OK 73104

**Valley Woods Water Company, Inc.**  
Legal Department  
999 Mulberry Road  
Highlandville, MO 65669

**Value-Added Communications, Inc.**  
Legal Department  
12021 SUNSET HILLS ROAD, SUITE  
100  
RESTON, VA 20190  
scockerham@fastekteam.com

**Velocity The Greatest Phone Company Ever, Inc.**  
Legal Department  
7130 Spring Meadows West Drive  
Holland, OH 43528

**Veolia Energy Kansas City, Inc**  
Legal Department  
115 Grand Ave  
Kansas City, MO 64106

**Verizon Access Transmission Services**  
Legal Department  
22001 Loudoun County Parkway  
Ashburn, VA 20147

**Verizon Business Services**  
Legal Department  
22001 Loudoun County Parkway  
Ashburn, VA 20147

**Verizon Long Distance LLC**  
Legal Department  
One Verizon Way  
VC22E43  
Basking Ridge, NJ 07920

**Verizon Select Services, Inc.**  
Legal Department  
1 Verizon Way  
Mail Code VC22E243  
Basking Ridge, NJ 07920

**Village Greens Water Company**  
Legal Department  
960 Plaza Drive, Ste A  
St. Clair, MO 63077

**Village Water and Sewer Company, Inc.**  
Legal Department  
44 Carriage Lane  
St. Louis, MO 63108

**Voicecom Telecommunications, LLC**  
Legal Department  
5900 Windward Parkway, Suite 500  
Alpharetta, GA 30005

**W.P.C. Sewer Company**  
Legal Department  
2111 W. Broadway Street  
Sedalia, MO 65301

**Warren County Sewer Company, Inc.**  
Legal Department  
403 Pecan Street  
P.O. Box 278  
Marthasville, MO 63357

**WDT World Discount Telecommunications Co.**  
Legal Department  
13644 Neutron Rd.  
Dallas, TX 75244

**West 16th Street Sewer Company, Inc.**  
Legal Department  
2111 West Broadway Boulevard  
Sedalia, MO 65301-2516

**Westel, Inc.**  
Legal Department  
8303 N. Mopac, Ste. C-400  
Austin, TX 78759

**Whispering Hills Water System**  
Legal Department  
P.O. Box 24  
Wappapello, MO 63966

**Whiteside Hidden Acres, L.L.C.**  
Legal Department  
HC 77, Box 899C  
Pittsburg, MO 65724

**Wholesale Carrier Services, Inc.**  
Legal Department  
5471 N University  
Coral Springs, FL 33067

**Willows Utility Company, The**  
Legal Department  
P.O. Box 2529  
Rockwall, TX 75087

**WiITel Communications, LLC**  
Legal Department  
1025 Eldorado Blvd.  
Broomfield, CO 80021

**WiMacTel, Inc.**  
Legal Department  
2225 E. Bayshore Road, Ste 200  
Palo Alto, CA 94303

**Windstream Communications, Inc.**  
Legal Department  
4001 Rodney Parham Rd.  
P.O. Box 180  
Little Rock, AR 72212

**Windstream Iowa Communications, Inc.**  
Legal Department  
4001 Rodney Parham Rd.  
Little Rock, AR 72212

**Windstream KDL, Inc.**  
Legal Department  
4001 Rodney Parham Road  
Little Rock, AR 72212

**Windstream Missouri, Inc.**  
Legal Department  
4001 Rodney Parham Road  
P. O. Box 180  
Little Rock, AR 72212

**Windstream Norlight, Inc.**  
Legal Department  
4001 Rodney Parham Road  
Little Rock, AR 72212

**Windstream NTI, Inc.**  
Legal Department  
4001 Rodney Parham Road  
Little Rock, AR 72212

**Windstream Nuvox Missouri, Inc.**  
Legal Department  
4001 Rodney Parham  
Little Rock, AR 72212

**Woodland Manor Water Company, LLC**  
Legal Department  
P.O. Box 73  
Kimberling City, MO 65686  
fennema21@msn.com

**Worldwide Telecommunications, Inc.**  
Legal Department  
4505 Las Virgenes Rd., Ste. 115  
Calabasas, CA 91302

**XO Communications Services, Inc.**  
Legal Department  
13865 Sunrise Valley Drive  
Herndon, VA 20171

**Yak Communications (America), Inc.**  
Legal Department  
300 71st St  
PO Box 414629  
Miami Beach, FL 33141

**Yestel USA, Inc.**  
Legal Department  
411 E Huntington Drive, Suite 205  
Arcadia, CA 91006

**YMax Communications Corp.**  
Legal Department  
5700 Georgia Avenue  
P.O. Box 6785  
West Palm Beach, FL 33405-6785

**YourTel America, Inc.**  
Legal Department  
2800 E. 18th Street  
Kansas City, MO 64127

**Zayo Group, LLC**  
Legal Department  
400 Centennial Parkway  
Louisville, CO 80027

**Zone Telecom, LLC**  
Legal Department  
3130 Pleasant Run  
Springfield, IL 62711

**Zoom-I-Net Communications, Inc.**  
Legal Department  
198 N. Ridge Drive  
Central Square, NY 13036  
mail@zintelco.com

**1010 123 Americatel**  
Legal Department  
433 E. Las Colinas Blvd., Ste 400  
Irving, TX 75039

**321 Communications, Inc**  
Legal Department  
P.O. Box 23110 SR 54  
Lutz, FL 33549-0000

**360Networks (USA) Inc.**  
Legal Department  
370 Interlocken Blvd  
Ste. 600  
Broomfield, CO 80021

**800 Response Information Services  
LLC**  
Legal Department  
200 Church Street  
P.O. Box 1049  
Burlington, VT 05402

**ABA Net, LLC**  
Legal Department  
2400 Research Blvd., Ste. 210  
Rockville, MD 20850

**Access Fiber Group, Inc.**  
Legal Department  
201 Summit Parkway  
Birmingham, AL 35209

**Access One, Inc.**  
Legal Department  
820 West Jackson Blvd., 6th Floor  
Chicago, IL 60607

**Access Point, Inc.**  
Legal Department  
1100 Crescent Green, Ste 109  
Cary, NC 27518

**Access2Go, Inc.**  
Legal Department  
4700 N. Prospect Road  
Peoria Heights, IL 61616

**AccessLine Communications  
Corporation**  
Legal Department  
11201 SE Eighth St., Ste. 200  
Bellevue, WA 98004

**ACN Communication Services, Inc.**  
Legal Department  
1000 Progress Place NE  
Concord, NC 28025

**Advanced Integrated Technologies,  
Inc.**  
Legal Department  
9855 W. 78th St., Ste. 300  
Eden Prairie, MN 55344

**Advantage Telecommunications,  
Corp.**  
Legal Department  
3001 Aloma Avenue, Suite 304  
Winter Park, FL 32792

**Aero Communications, LLC**  
Legal Department  
3901 Technology Dr  
Paducah, KY 42001

**Affinity 4**  
Legal Department  
999 Waterside Drive  
Suite 1910  
Norfolk, VA 23510

**Affinity Network Incorporated**  
Legal Department  
4380 Boulder Highway  
Las Vegas, NV 89121

**Airespring, Inc.**  
Legal Department  
6060 Sepulveda Blvd., Suite 220  
Van Nuys, CA 91411-2512

**Airnex Communications, Inc.**  
Legal Department  
5000 Hopyard, Ste. 240  
Pleasanton, CA 94577

**All American Home Phone**  
Legal Department  
4315 Bluebonnet Blvd., Suite A  
Baton Rouge, LA 70809

**Alliance Global Networks LLC**  
Legal Department  
1221 Post Road E  
Westport, CT 06880

**Alma Long Distance, L.L.C.**  
Legal Department  
113 S. County Road  
P.O. Box 127  
Alma, MO 64001  
atc@almanet.net

**Alma Telephone Company**  
Legal Department  
113 South County Road  
P.O. Box 127  
Alma, MO 64001  
atc@almanet.net

**American Fiber Network, Inc.**  
Legal Department  
9401 Indian Creek Pkwy., Ste. 280  
Overland Park, KS 66210

**American Fiber Systems, Inc.**  
Legal Department  
400 Centennial Parkway, Ste 200  
Louisville, CO 80027

**American Phone Services Corp.**  
Legal Department  
308 Maxwell Drive, Suite 100  
Alpharetta, GA 30004  
legal@amphone.com

**American Select**  
Legal Department  
7300 Hudson Blvd N #265  
Oakdale, MN 55128

**American Telecommunications Systems, Inc.**  
Legal Department  
4450 Belden Vig St, NW, #602  
Canton, OH 44718  
contact@nationwideregulatorycompliance.com

**ANI Networks**  
Legal Department  
250 Pilot Road, Ste. 300  
Las Vegas, NV 89119

**ANPI, LLC**  
Legal Department  
3130 Pleasant Run  
Springfield, IL 62711

**Applewood Communications Corporation**  
Legal Department  
P.O. Box 70  
South Boston, VA 24592

**Argyle Estates Water Supply**  
Legal Department  
408 Hillcrest Drive  
Union, MO 63084

**Arizona Telephony Brokers, L.L.C.**  
Legal Department  
8757 E. Via De Commercio, First  
Floor  
Scottsdale, AZ 85258

**Association Administrators, Inc.**  
Legal Department  
180 East Main Street, Suite 200  
Smithtown, NY 11787

**AT&T Communications of the Southwest, Inc.**  
Legal Department  
One AT&T Way, Room 2B115E  
Bedminster, NJ 07921

**AT&T Long Distance**  
Legal Department  
675 W. Peachtree St. Rm. 17E21  
Atlanta, GA 30375

**AT&T Long Distance East**  
Legal Department  
310 Orange Street  
Suite 6M2  
New Haven, CT 06510

**AT&T Long Distance Service**  
Legal Department  
675 W. Peachtree St.  
Room 17E21  
Atlanta, GA 30375

**AT&T Missouri**  
Legal Department  
909 Chestnut Street, Room 3520  
One AT&T Center  
St. Louis, MO 63101

**ATC Outdoor DAS, LLC**  
Legal Department  
116 Huntington Avenue, 11th  
Boston, MA 02116

**Atmos Energy Corporation**  
Legal Department  
5430 LBJ Freeway, Ste. 160  
Dallas, TX 75240

**Aurora Communications, Inc.**  
Legal Department  
214 Elm St., Suite 101  
Washington, MO 63090  
aurora@yhti.net

**Avid Communications, L.L.C.**  
Legal Department  
1800 Baltimore Ave, Ste 200  
Kansas City, MO 64108

**Bandwidth.com CLEC, LLC**  
Legal Department  
4001 Weston Parkway  
Cary, NC 27513  
info@bandwidth.com

**Barry Technology Services, L.L.C.**  
Legal Department  
4015 Main Street  
P.O. Box 307  
Cassville, MO 65625-0307

**BCN Telecom, Inc.**  
Legal Department  
550 Hills Dr., Ste 110  
Bedminster, NJ 07921

**Big River Telephone Company, LLC**  
Legal Department  
24 South Minnesota  
P.O. Box 1608  
Cape Girardeau, MO 63702-1608

**Bilyeu Water Co., LLC**  
Legal Department  
109 Rosemary Dr.  
Ozark, MO 65721

**Birch Communications (Birch)**  
Legal Department  
2300 Main Street, Ste. 600  
Kansas City, MO 64108

**Birch Communications (Ionex)**  
Legal Department  
2300 Main Street, Ste. 600  
Kansas City, MO 64108-2415  
info@birch.com

**BPS Long Distance**  
Legal Department  
120 Stewart Street  
P.O. Box 550  
Bernie, MO 63822

**BPS Telephone Company**  
Legal Department  
120 Stewart Street  
P.O. Box 550  
Bernie, MO 63822

**Brandco Investments, LLC**  
Legal Department  
155 South Minnesota Avenue  
PO Box 1685  
Cape Girardeau, MO 63703

**Broadview Networks, Inc.**  
Legal Department  
1018 West 9th Ave  
King of Prussia, PA 19406

**Broadvox-CLEC, LLC**  
Legal Department  
1950 N. Stemmons Fwy., Ste. 3031  
Dallas, TX 75207

**Broadwing Communications, LLC**  
Legal Department  
1025 Eldorado Blvd.  
Broomfield, CO 80021

**Budget Phone**  
Legal Department  
1325 Barksdale Blvd., Ste. 200  
Bossier City, LA 71111

**BullsEye Telecom, Inc.**  
Legal Department  
25925 Telegraph Rd., Ste 210  
Southfield, MI 48033

**Business Discount Plan, Inc.**  
Legal Department  
1 World Trade Center Ste. 800  
Long Beach, CA 90831

**Business Network Long Distance, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**Callaway Technology, L.L.C.**  
Legal Department  
1313 Cooperative Drive  
P.O. Box 250  
Fulton, MO 65251

**Calvey Brook Sewer, Inc.**  
Legal Department  
116 East Orleans  
Pacific, MO 63069

**Calvey Brook Water, Inc.**  
Legal Department  
116 East Orleans  
Pacific, MO 63069

**Cannon Home Association, Inc.**  
Legal Department  
22764 Joanna Drive  
Perry, MO 63462

**Capital International Communications, L.L.C**  
Legal Department  
8762 St. Charles Rock Rd.  
St. Louis, MO 63114

**Cavalier Telephone (Talk)**  
Legal Department  
2134 W Laburnum Ave  
Richmond, VA 23227

**Cbeyond Communications, LLC**  
Legal Department  
320 Interstate North Pkwy. SE, Suite 300  
Atlanta, GA 30339

**Cebridge Connections**  
Legal Department  
12444 Powerscourt Dr., Ste. 140  
St. Louis, MO 63131



**Central Missouri Telecommunications, Inc.**  
Legal Department  
234 Oak Knoll Rd, Linn Creek  
PO Box 596  
Osage Beach, MO 65065

**Central Rivers Wastewater Utility, Inc.**  
Legal Department  
10040 Rock Falls Rd  
PO Box 528  
Kearney, MO 64060

**Central Telecom Long Distance, Inc.**  
Legal Department  
201 South Tejon Street, 11th Floor  
Colorado Springs, CO 80903

**CenturyLink (CenturyTel of Missouri)**  
Legal Department  
PO Box 4065  
100 CenturyLink Drive  
Monroe, LA 71203

**CenturyLink (Embarq Missouri)**  
Legal Department  
100 CenturyLink Drive  
Monroe, LA 71203

**CenturyLink (Spectra)**  
Legal Department  
100 CenturyLink Drive  
P.O. Box 4065  
Monroe, LA 71203

**CenturyLink Communications**  
Legal Department  
100 CenturyLink Drive  
PO Box 4065  
Monroe, LA 71203

**CenturyLink Long Distance**  
Legal Department  
PO Box 4065  
100 CenturyTel Drive  
Monroe, LA 71203

**CenturyLink QCC**  
Legal Department  
100 CenturyLink Drive  
Monroe, LA 71203

**CenturyLink Solutions**  
Legal Department  
100 CenturyLink Drive  
Monroe, LA 71203

**CenturyTel of Northwest Arkansas, LLC**  
Legal Department  
100 CenturyLink Drive  
Monroe, LA 71203

**Chariton Valley L.D. Corp.**  
Legal Department  
1213 E. Briggs Drive  
P.O. Box 67  
Macon, MO 63552

**Chariton Valley Telecom Corporation**  
Legal Department  
1213 E. Briggs Drive  
P.O. Box 67  
Macon, MO 63552

**Chariton Valley Telephone Corporation**  
Legal Department  
1213 E. Briggs Drive  
P.O. Box 67  
Macon, MO 63552

**Charter Fiberlink - Missouri, LLC**  
Legal Department  
12405 Powerscourt Drive  
St. Louis, MO 63131

**Choctaw Telephone Company**  
Legal Department  
204 West Main  
P.O. Box 82  
Halltown, MO 65664

**CIMCO, a Division of Comcast Business Services**  
Legal Department  
183 Inverness Drive West  
Englewood, CO 80112

**Cincinnati Bell Any Distance Inc.**  
Legal Department  
221 E. Fourth Street, Room 103-1170  
Cincinnati, OH 45202

**Citizens Long Distance Company**  
Legal Department  
1905 Walnut Street  
P.O. Box 737  
Higginsville, MO 64037

**Citizens Telephone Company of Higginsville Missouri**  
Legal Department  
1905 Walnut  
P.O. Box 737  
Higginsville, MO 64037

**City Utilities of Springfield, Missouri**  
Legal Department  
301 E. Central  
P.O. Box 551  
Springfield, MO 65801

**Clear World Communications Corporation**  
Legal Department  
3501 South Harbor Blvd.  
Suite 200  
Santa Ana, CA 92704

**Coast International, Inc.**  
Legal Department  
14303 West 95th Street  
Lenexa, KS 66215

**Comcast Digital Phone**  
Legal Department  
One Comcast Center  
1701 JFK Boulevard  
Philadelphia, PA 19103

**Common Point, LLC**  
Legal Department  
3130 Pleasant Run  
Springfield , IL 62711

**Communications Network Billing, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**COMTECH 21, LLC**  
Legal Department  
One Barnes Park South  
Wallingford, CT 06492

**ConQuest**  
Legal Department  
One AT&T Way, Room 2B115E  
Bedminster, NJ 07921

**Consolidated Communications Network Services**  
Legal Department  
121 S. 17th Street  
Mattoon, IL 61938

**Consolidated Communications Operator Services**  
Legal Department  
121 S. 17th Street  
Mattoon, IL 61938

**Consolidated Communications Public Services**  
Legal Department  
121 W. 17th Street  
Mattoon, IL 61938

**Consolidated Telecom, Inc.**  
Legal Department  
1320 Greenway Drive, Suite 450  
Irving, TX 75038

**Convergia, Inc.**  
Legal Department  
237 Hymus Blvd.  
Pointe Claire  
Quebec H9R 5C7, Canada, MO 99999

**Covad Communications Company**  
Legal Department  
2220 O'Toole Avenue  
San Jose, CA 95131

**Covista, Inc.**  
Legal Department  
225 E 8th St., Ste. 400  
Chattanooga, TN 37402

**Cox Missouri Telcom, L.L.C.**  
Legal Department  
1400 Lake Hearn Dr  
Atlanta , GA 30319

**Craw-Kan Telephone Cooperative, Inc.**  
Legal Department  
200 N. Ozark  
P.O. Box 100  
Girard, KS 66743

**Credo Long Distance**  
Legal Department  
101 Market Street  
Suite 700  
San Francisco, CA 94105

**Crexendo Business Solutions, Inc**  
Legal Department  
3483 Satellite Blvd., Suite 202  
Duluth, GA 30096-5800

**Custom Teleconnect, Inc.**  
Legal Department  
6242 West Desert Inn Road  
Las Vegas, NV 89146

**Davidson Telecom, LLC**  
Legal Department  
P.O. Box 2342  
525 Spring Street  
Davidson, NC 28036

**DC Communications**  
Legal Department  
270 South Main Street  
Flemington, NJ 08822

**DCT Telecom Group, Inc.**  
Legal Department  
27877 Clemens Road  
Westlake, OH 44145

**Digizip.com, Inc.**  
Legal Department  
168 Irving Ave., Ste 302  
Port Chester, NY 10573

**Direct Communications Long Distance, Inc.**  
Legal Department  
150 South Main  
P.O. Box 270  
Rockland, ID 83271

**Discount Plus**  
Legal Department  
107 W Michigna 4th Floor  
Kalamzoo, MI 49007  
contact@nationwideregulatorycompliance.com

**DISH Network Phone and Internet**  
Legal Department  
2460 West 26th Avenue, Suite 380-C  
Denver, CO 80211

**dPi-Tele-Connect, L.L.C.**  
Legal Department  
3350 Boyington Drive, Ste. 200  
Carrollton, TX 75006

**EarthLink Business (Business Telecom)**

Legal Department  
1375 Peachtree Street  
Atlanta, GA 30309

**EarthLink Business (CTC)**

Legal Department  
1375 Peachtree Street  
Atlanta, GA 30309

**EarthLink Business (DeltaCom)**

Legal Department  
1375 Peachtree Street  
Atlanta, GA 30309

**EarthLink Business (New Edge)**

Legal Department  
1375 Peachtree Street  
Atlanta, GA 30309

**Easton Telecom Services, L.L.C.**

Legal Department  
3046 Brecksville Road, Summitt II -  
Unit A  
Richfield, OH 44286

**ECG**

Legal Department  
312 S.E. Delaware  
P.O. Box 936  
Bartlesville, OK 74005

**Electric Lightwave, LLC**

Legal Department  
1201 NE Lloyd Blvd,  
Portland, OR 97232-1259

**Ellington Telephone Company**

Legal Department  
200 College Avenue  
P.O. Box 400  
Ellington, MO 63638

**EMC of St. Charles County, LLC**

Legal Department  
1001 Boardwalk Springs Place  
Ste. 100  
O Fallon, MO 63368

**Emerald Pointe Utility Company**

Legal Department  
118 State Drive  
Hollister, MO 65672

**Emerald Pointe Utility Company**

Legal Department  
118 State Drive  
Hollister, MO 65672

**Empire District Electric Company,  
The**

Legal Department  
602 Joplin Avenue  
P.O. Box 127  
Joplin, MO 64802

**Empire District Electric Company,  
The**

Legal Department  
602 S. Joplin Avenue  
P.O. Box 127  
Joplin, MO 64802

**Empire District Gas Company, The**

Legal Department  
P.O. Box 127  
602 S. Joplin Avenue  
Joplin, MO 64802

**Empire District Industries, Inc.**

Legal Department  
602 Joplin Avenue  
P.O. Box 127  
Joplin, MO 64801

**Encartele, Inc.**

Legal Department  
8206 S. 109 Street  
LaVista, NE 68128

**Enhanced Communications  
Network, Inc.**

Legal Department  
1031 S. Glendora Ave.  
West Covina, CA 91790

**Entelegent Solutions, Inc.**

Legal Department  
3800 Arco Corporate Drive, Suite 310  
Charlotte, NC 28273

**Entrix Telecom, Inc.**

Legal Department  
550 Broad Street, 17th Fl.  
Newark, NJ 07102

**Environmental Utilities, LLC**

Legal Department  
16533 N. State Highway 5  
P.O. Box 650  
Sunrise Beach, MO 65079

**Envirowater Company, LLC**

Legal Department  
712 Balcarra Drive  
Dardenne Prairie, MO 63368

**Ernest Communications, Inc.**

Legal Department  
5275 Triangle Parkway, Suite 150  
Norcross, GA 30092

**ExteNet Systems, Inc.**

Legal Department  
3030 Warrenville Rd, #340  
Lisle, IL 60532

**FairPoint Carrier Services, Inc.**

Legal Department  
908 W. Frontview  
P.O. Box 199  
Dodge City, KS 67801

**FairPoint Communications**

Legal Department  
908 W. Frontview  
PO Box 199  
Dodge City, KS 67801

**FairPoint Communications Long Distance**

Legal Department  
908 W. Frontview  
P.O. Box 199  
Dodge City, KS 67801

**Farber Telephone Company**

Legal Department  
Main and Linn Streets  
Farber, MO 63345

**Farm Bureau Connection**

Legal Department  
107 W. Michigan Ave, 4th Fl  
1850 Howard St, Ste C Elk Grove  
Village, IL 6007-2490  
Kalamazoo, MI 49007  
contact@nationwideregulatorycompliance.com

**Fiber Four Corporation**

Legal Department  
214 S. Main Street  
P.O. Box 147  
Rock Port, MO 64482

**Fiberpath Technologies, L.L.C.**

Legal Department  
2106 Jefferson Street  
P.O. Box 269  
Jefferson City, MO 65102

**Fidelity Communication Services I, Inc.**

Legal Department  
64 North Clark  
Sullivan, MO 63080  
execdept@fidnet.com

**Fidelity Communication Services II, Inc.**

Legal Department  
64 North Clark  
Sullivan, MO 63080  
execdept@fidnet.com

**Fidelity Long Distance, Inc.**

Legal Department  
64 North Clark St.  
Sullivan, MO 63080  
execdept@fidnet.com

**Fidelity Networks, Inc.**

Legal Department  
64 North Clark  
Sullivan, MO 63080  
execdept@fidnet.com

**Fidelity Telephone Company**

Legal Department  
64 N. Clark St.  
Sullivan, MO 63080  
execdept@fidnet.com

**First Choice Technology, Inc.**

Legal Department  
903 Lake Lilly Drive, Suite A125  
Maitland, FL 32751

**First Communications, LLC**

Legal Department  
3340 West Market Street  
Akron, OH 44333

**Foxtire Utility Company**

Legal Department  
3478 Smryna Road  
Rogersville, MO 65742

**France Telecom Corporate Solutions L.L.C**

Legal Department  
13775 McLearn Rd., Mailstop 1100  
Oak Hill, VA 20171

**Franklin County Water Company, Inc.**

Legal Department  
1A Lake Shore Dr.,  
PO Box 586  
St. Clair, MO 63077

**Freedom Communications USA, LLC**

Legal Department  
220 Creekside Drive  
Dickson, TN 37055-0000

**Frontier Communications of America, Inc.**

Legal Department  
100 CTE Drive  
Dallas, PA 18612

**Gascony Water Company, Inc.**

Legal Department  
1907 Apache Trail  
Hermann, MO 65041

**Gladlo Water & Sewer Company, Inc.**

Legal Department  
P.O. Box 200595  
Denver, CO 80220

**Global Connection Incorporated of America**

Legal Department  
5555 Oakbrook Parkway, Suite 620  
Norcross, GA 30093

**Global Crossing Local Services, Inc.**  
Legal Department  
225 Kenneth Drive  
Rochester, NY 14623

**Global Crossing Telecommunications, Inc.**  
Legal Department  
225 Kenneth Drive  
Rochester, NY 14623

**Global Tel\*Link Corporation**  
Legal Department  
12021 Sunset Hills Road, Suite 100  
Reston, VA 20190

**Global Telecom & Technology Americas, Inc.**  
Legal Department  
8484 Westpark Drive, Suite 720  
McLean, VA 49007  
contact@nationwideregulatorycompliance.com

**Go Solo Technologies, Inc.**  
Legal Department  
10701 Danka Way North, Suite 100  
St. Petersburg, FL 33716

**Gold Line Telemangement, Inc.**  
Legal Department  
Richmond Hill  
180 W. Beaver Cr. Rd.  
Ontario, L4B 1B4, Canada,

**Goodman Telephone Company, Inc.**  
Legal Department  
816 Oneida Avenue  
P.O. Box 592  
Seneca, MO 64865

**Granby Telephone Company**  
Legal Department  
126 S Beaver Ave.  
P.O. Box 200  
Granby, MO 64844

**Grand River Long Distance**  
Legal Department  
1001 Kentucky Street  
Princeton, MO 64673

**Grand River Mutual Telephone Corporation**  
Legal Department  
1001 Kentucky St  
Princeton, MO 64673

**Granite Telecommunications, LLC**  
Legal Department  
100 Newport Ave Ext.  
Quincy, MA 02171  
regulatory@granitenet.com

**Green Hills Telecommunications Services**  
Legal Department  
7926 NE State Route M  
P.O. Box 227  
Breckenridge, MO 64625

**GTC Communications**  
Legal Department  
1411 W. 190th Street, Suite 700  
Gardena, CA 90248-4376  
legal@mygtc.com

**Hickory Hills Water & Sewer Company, Inc.**  
Legal Department  
P.O. Box 506  
Clinton, MO 64735

**Highway H Utilities, Inc.**  
Legal Department  
P.O. Box 308  
Waynesville, MO 65583

**Holtgrewe Farms Sewer Company, LLC**  
Legal Department  
109 North Oak St.  
Union, MO 63084

**Holway Long Distance Company**  
Legal Department  
208 Ash St.  
P.O. Box 112  
Maitland, MO 64466-0112  
holway@nwrmo.net

**Holway Telephone Company**  
Legal Department  
208 Ash St.  
PO Box 112  
Maitland, MO 64466-0112

**House Springs Sewer Company, Inc.**  
Legal Department  
9843 Sunset Greens Drive  
St. Louis, MO 63127

**Hypercube Telecom, LLC**  
Legal Department  
3200 W. Pleasant Run Road, Suite 300  
Lancaster, TX 75146

**I.H. Utilities, Inc.**  
Legal Department  
2538 Allegheny  
Cuba, MO 65453

**IAMO Long Distance**  
Legal Department  
104 Crook Street  
P.O. Box 368  
Coin, IA 51636

**IAMO Telephone Company**  
Legal Department  
104 Crook Street  
P.O. Box 368  
Coin, IA 51636

**ICSolutions**  
Legal Department  
2200 Danbury Street  
San Antonio, TX 78217

**IDT America Corp.**  
Legal Department  
550 Broad Street, 17th Fl.  
Newark, NJ 07102-3112

**IE Com**  
Legal Department  
7171 Forest Lane, Ste. 700  
Dallas, TX 75230

**ILD**  
Legal Department  
1049 NE Macedonia Church Ave  
Lee, FL 32059

**iNetworks Group, Inc.**  
Legal Department  
125 S. Wacker Drive, Ste 2510  
Chicago, IL 60606

**Infotelecom, LLC**  
Legal Department  
1950 Stemmons Fwy. Ste 3031  
Dallas, TX 75207

**Innovative Businesses and Services, Inc.**  
Legal Department  
158 Brandon Drive Unit 1A  
Glendale Heights, IL 60139

**Integra Telecom**  
Legal Department  
1201 NE Lloyd Blvd.  
Portland, OR 97232-1259

**Integrated Services of Nevada, Inc.**  
Legal Department  
3483 Satellite Blvd., Ste. 202  
Duluth, GA 30096

**IntelePeer, Inc.**  
Legal Department  
2855 Campus Drive, Suite 200  
San Mateo, CA 94403

**Inteltrace, Inc.**  
Legal Department  
448 Ignacio Blvd., # 222  
Novato, CA 94949

**International Telcom, Ltd.**  
Legal Department  
417 2nd Avenue West  
Seattle, WA 98119  
RegulatoryCompliance@itltd.net

**Intrado Communications Inc.**  
Legal Department  
1601 Dry Creek Drive  
Longmont, CO 80503

**IPC Network Services, Inc.**  
Legal Department  
1 State Street Plaza, 12th Floor  
New York, NY 10004

**K-Powernet, L. L. C.**  
Legal Department  
500 S. KAMO Drive  
P.O. Box 577  
Vinita, OK 74301

**Kansas City Power & Light Company**  
Legal Department  
One Kansas City Place, 1200 Main Street  
PO Box 418679  
Kansas City, MO 64105

**KCP&L Greater Missouri Operations Company**  
Legal Department  
One Kansas City Place, 1200 Main Street  
PO Box 418679  
Kansas City, MO 64105

**KDDI America, Inc.**  
Legal Department  
825 Third Ave., 3rd Floor  
107 W Michigan  
Kalamazoo, MI 49007  
contact@nationwideregulatorycompliance.com

**Kimberling City Water Company**  
Legal Department  
P.O. Box 307  
11863 State Hwy 13  
Kimberling City, MO 65686

**Kingdom Long Distance**  
Legal Department  
211 South Main  
P.O. Box 97  
Auxvasse, MO 65231-0097

**Kingdom Telecommunications, Inc**  
Legal Department  
211 South Main  
P.O. Box 97  
Auxvasse, MO 65231

**Kingdom Telephone Company**  
Legal Department  
211 South Main  
P.O. Box 97  
Auxvasse, MO 65231-0097

**KLM Long Distance Company**  
Legal Department  
208 Ash St.  
P.O. Box 112  
Maitland, MO 64466

**KLM Telephone Company**  
Legal Department  
208 Ash street  
P.O. Box 112  
Maitland, MO 64466

**KMB Utility Corporation**  
Legal Department  
5108 Dulin Creek Road  
House Springs, MO 63051

**Laclede Gas Company**  
Legal Department  
720 Olive Street  
St. Louis, MO 63101

**Lake Northwoods Utility Co., Inc.**  
Legal Department  
3068 Highway 19  
Owensville, MO 65066

**Lake Region Water & Sewer Company**  
Legal Department  
P.O. Box 9  
Lake Ozark, MO 65049-0009

**Lakeland Heights Water Co., Inc.**  
Legal Department  
P.O. Box 24  
Wappapello, MO 63966

**Lathrop Long Distance**  
Legal Department  
1001 Kentucky Street  
Princeton, MO 64673

**Lathrop Telephone Company**  
Legal Department  
601 Oak Street  
P.O. Box 578  
Lathrop, MO 64465

**LDC Telecommunications, Inc.**  
Legal Department  
2451 McMullen Booth Rd., Suite 200  
Clearwater, FL 33759  
ldc@ldctele.com

**Le-Ru Long Distance Company**  
Legal Department  
555 Carter Street  
P.O. Box 147  
Stella, MO 64867

**Le-Ru Telephone Company**  
Legal Department  
555 Carter Street  
P.O. Box 147  
Stella, MO 64867

**Legacy Long Distance International, Inc.**  
Legal Department  
10833 Valley View Street, Ste 150  
Cypress, CA 90630

**Level 3 Communications, LLC**  
Legal Department  
1025 Eldorado Blvd.  
Broomfield, CO 80021

**Liberty Water**  
Legal Department  
16623 FM 2493, Suite E  
Tyler, TX 75703

**LightCore, a CenturyLink Company**  
Legal Department  
100 CenturyLink Drive  
Monroe, LA 71203

**Lightyear Network Solutions, LLC**  
Legal Department  
1901 Eastpoint Parkway  
Louisville, KY 40223

**LMDS Holdings, Inc.**  
Legal Department  
13865 Sunrise Valley Drive  
Herndon, VA 20171

**Logix Communications**  
Legal Department  
2950 North Loop West 8th Floor  
Houston, TX 77092

**Long Distance America**  
Legal Department  
21084 Bake Parkway, Suite 108  
Lake Forest, CA 92630

**Long Distance Consolidated Billing Co.**  
Legal Department  
20 W. Washington St., Ste. 6A  
Clarkston, MI 48346

**M.P.B., Inc.**  
Legal Department  
505 Brick Church Rd.  
Labadie, MO 63055

**Main Street Telephone Company**  
Legal Department  
470 Norristown Rd, Ste. 201  
Blue Bell, PA 19422

**Mark Twain Communications Company**  
Legal Department  
Highway 6 East  
PO Box 128  
Hurdland, MO 63547

**Mark Twain Long Distance, Inc.**  
Legal Department  
Highway 6 East  
P. O. Box 5  
Hurdland, MO 63547

**Mark Twain Rural Telephone Company**  
Legal Department  
Highway 6 East  
P.O. Box 68  
Hurdland, MO 63547

**Matrix Business Technologies**  
Legal Department  
433 E. Las Colinas Boulevard  
Irving, TX 75039

**Matrix Telecom, Inc.**  
Legal Department  
433 E Las Colinas Boulevard, Suite  
400  
Dallas, TX 75039

**MCC Telephony of Missouri, LLC**  
Legal Department  
100 Crystal Run Rd  
Middletown, NY 10941

**McCormack-Missouri**  
Legal Department  
200 College Ave.  
P.O. Box 400  
Ellington, MO 63638

**McDonald County Long Distance  
Company**  
Legal Department  
704 Main Street  
P.O. Box 286  
Pineville, MO 64856-0286

**McDonald County Telephone  
Company**  
Legal Department  
704 Main  
P.O. Box 207  
Pineville, MO 64856-0207

**McGraw Communications, Inc.**  
Legal Department  
521 5th Avenue, 14th Floor  
New York, NY 10175

**Meramec Sewer Company**  
Legal Department  
381 Green Jade Estates Drive  
PO Box 625  
Fenton, MO 63026

**Metro Communications Company**  
Legal Department  
8 South Washington Street  
P.O. Box 555  
Sullivan, IL 61951

**Metropolitan Telecommunications  
of Missouri, Inc.**  
Legal Department  
55 Water Street, 31st Fl.  
New York, NY 10047

**Mid MO Sanitation, LLC**  
Legal Department  
1101 Sioux Drive  
P.O. Box 6247  
Fulton, MO 65251

**Mid-Missouri Telephone Company**  
Legal Department  
215 Roe Street  
P.O. Box 38  
Pilot Grove, MO 65276-0038

**Middlefork Water Company**  
Legal Department  
26101 Hallmark Rd  
PO Box 468  
Maryville, MO 64468

**Midland Water Company, Inc.**  
Legal Department  
786 Croley Blvd.  
P.O. Box 1080  
Nixa, MO 65714-1080

**Mill Creek Sewers, Inc.**  
Legal Department  
P.O. Box 200595  
Denver, CO 80220  
millcreeksewer@ymail.com

**Miller Long Distance**  
Legal Department  
213 East Main Street  
P.O. Box 7  
Miller, MO 65707

**Miller Telephone Company**  
Legal Department  
P.O. Box 7  
Miller, MO 65707

**Missouri Gas Company, LLC**  
Legal Department  
110 Algana Court  
St. Peters, MO 63376

**Missouri Gas Energy**  
Legal Department  
3420 Broadway  
Kansas City, MO 64111

**Missouri Gas Utility, Inc.**  
Legal Department  
7810 Shaffer Parkway, Suite 120  
P.O. Box 270868  
Littleton, CO 80127

**Missouri Network Alliance, L.L.C.**  
Legal Department  
9091 State Line Rd, Suite 200  
Kansas City, MO 64114

**Missouri Pipeline Company, LLC**  
Legal Department  
110 Algana Court  
St. Peters, MO 63376



**Enclosed find a certified copy of an ORDER in the above-numbered matter(s).**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'S. Reed', written in a cursive style.

**Steven C. Reed  
Secretary**

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Individuals listed above with a valid e-mail address will receive electronic service. Individuals listed above without a valid e-mail address will receive paper service.