

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

In the Matter of the Waiver of
Certain Rules and Statutes to
Telecommunications Companies

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File No. TE-2012-0073

**NOTIFICATION OF ELECTION OF WAIVERS ON
BEHALF OF THE FAIRPOINT COMPANIES**

COME NOW, FairPoint Communications Missouri, Inc. d/b/a FairPoint Communications, ExOp of Missouri, Inc. d/b/a FairPoint Communications, ST Long Distance, Inc. d/b/a FairPoint Communications Long Distance and FairPoint Carrier Services, Inc. (collectively, the "FairPoint Companies") and each of the FairPoint Companies hereby notifies the Commission of its election to waive and be exempt from the application and enforcement of certain commission rules and statutes, pursuant to Sections 392.245.5(8), 392.420 and 392.461, RSMo, as amended by HB 338.

Background of the FairPoint Companies

1. FairPoint Communications Missouri, Inc. d/b/a FairPoint Communications ("FairPoint Missouri") is a Missouri corporation with its principal Missouri office at 192 West Broadway, Peculiar, Missouri 64078. FairPoint Missouri is authorized to do business in Missouri¹ and its fictitious name is duly registered with the Missouri Secretary of State.² FairPoint Missouri is a "local exchange telecommunications company" and a "public utility", and is duly authorized to provide "telecommunications

¹ A copy of FairPoint Communications Missouri, Inc.'s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on January 23, 2006, in Case No. TM-2006-0306.

² A copy of the registration of the fictitious name "FairPoint Communications" was filed with the Commission on January 23, 2006, in Case No. TM-2006-0306.

service” within the State of Missouri, as each of those terms is defined in Section 386.020, RSMo 2000.

2. ExOp of Missouri, Inc. d/b/a FairPoint Communications (“ExOp”) is a Missouri corporation with its principal Missouri office at 303 North Jefferson, Kearney, Missouri 64060. ExOp is authorized to do business in Missouri³ and its fictitious name is duly registered with the Missouri Secretary of State.⁴ ExOp is an “alternative local exchange telecommunications company” which is duly authorized to provide “telecommunications service” within the State of Missouri, as each of those terms is defined in Section 386.020, RSMo.

3. ST Long Distance, Inc. d/b/a FairPoint Communications Long Distance (“FCLD”) is a Delaware corporation with its principal office at 908 W. Frontview, Dodge City, Kansas 67801. FCLD is authorized to do business in Missouri⁵ and its fictitious name is duly registered with the Missouri Secretary of State.⁶ FCLD was granted a certificate of service authority to provide intrastate interexchange telecommunications services and was classified as a competitive telecommunications company on May 30, 2006, in Case No. TM-2006-0306.

4. FairPoint Carriers Services, Inc. (“FCS”) is a Delaware corporation with its principal office at 908 W. Frontview, Dodge City, Kansas 67801. FCS is authorized to

³ A copy of ExOp of Missouri, Inc.’s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on June 3, 2004, in Case No. CA-2004-0595.

⁴ A copy of the registration of the fictitious name “FairPoint Communications” was filed with the Commission on January 28, 2008 in Case No. CN-2008-0246.

⁵ A copy of ST Long Distance, Inc.’s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on January 24, 2006, in Case No. TM-2006-0306.

⁶ A copy of the registration of the fictitious name “FairPoint Communications Long Distance” was filed with the Commission on January 24, 2006, in Case No. TM-2006-0306.

do business in Missouri⁷ and was granted certificates of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and was classified as a competitive telecommunications company on April 1, 2008, in Case No. XA-2008-0284.

5. None of the FairPoint Companies has any pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court that involve Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Notification.

6. None of the FairPoint Companies has any overdue annual reports or regulatory assessment fees in Missouri.

7. Each of the FairPoint Companies may be contacted at the electronic mail address, facsimile and telephone numbers of its attorneys, as set out under the signature block of this Notification. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Larry W. Dority
Fischer & Dority, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 6501
Tel: (573) 636-6758
Fax: (573) 636-0383
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Patrick L. Morse
Sr. VP Governmental Affairs
FairPoint Communications
P.O. Box 199
Dodge City, KS 67801-0199
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Fax: (620) 227-8576
E-mail: pmorse@fairpoint.com

⁷ A copy of FairPoint Carrier Services, Inc.'s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on February 29, 2008, in Case No. XA-2008-0284.

Election of Waivers

8. Staff has opened this Case File TE-2012-0073 to allow telecommunications companies to file notifications of elections of waivers exercised pursuant to Sections 392.245.5(8), 392.420 and 392.461, as amended by HB 338.

9. Prior cases⁸ along with the most recent annual reports submitted by companies adequately demonstrate that alternative local exchange telecommunications companies are authorized, and interconnected voice over Internet protocol service providers are registered, to provide service in the FairPoint Missouri authorized service area in conformance with Section 392.420, RSMo.

10. In accordance with Sections 392.245.5(8), 392.420 and 392.461, as amended by HB 338, each of the FairPoint Companies hereby exercises its statutory right to elect to waive the application and enforcement of the statutes and rules listed in Paragraph 4 of the Motion of the Staff of the Missouri Public Service Commission filed October 18, 2011 in this File, to the extent not already waived for these entities.

WHEREFORE, each of the FairPoint Companies hereby notifies the Commission of its election made pursuant to this Notification of Election, commencing on the date of this filing.

Dated: March 16, 2012

⁸ See, e.g., MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, Case No. TA-2009-0083; XO Communications Services, Inc. Case No. TA-2009-0108; MCI Communications Services, Inc. d/b/a Verizon Business Services, Case No. DA-2009-0096; and XO Communications Services, Inc., Case No. DA-2009-0107.

Respectfully submitted,

The FairPoint Companies:

FairPoint Communications Missouri, Inc. d/b/a
FairPoint Communications,
ExOp of Missouri, Inc. d/b/a FairPoint
Communications,
ST Long Distance, Inc. d/b/a FairPoint
Communications Long Distance, and
FairPoint Carrier Services, Inc.

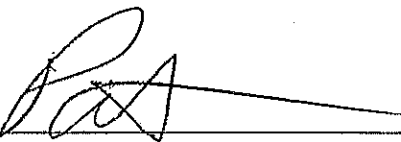
By: /s/ Larry W. Dority

Larry W. Dority MBN 25617
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VERIFICATION

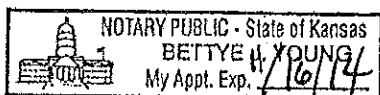
STATE OF KANSAS)
)
COUNTY OF FORD) ss


I, Patrick L. Morse, being duly sworn upon my oath, state that I am over twenty-one, am sound of mind, am Senior Vice President Governmental Affairs of FairPoint Communications, and am authorized to act on behalf of FairPoint Communications Missouri, Inc. d/b/a FairPoint Communications, ExOp of Missouri, Inc. d/b/a FairPoint Communications, ST Long Distance, Inc. d/b/a FairPoint Communications Long Distance and FairPoint Carrier Services, Inc., regarding the document to which this Verification is appended. I have read the document and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.



Patrick L. Morse

Subscribed and sworn to before me this 15 day of March, 2012





Notary Public

My Commission Expires: November 16, 2014

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the above and foregoing document were sent by electronic mail, or hand-delivered, on this 16th day of March, 2012, to:

General Counsel
Missouri Public Service Commission
Governor Office Building, 8th Floor
P.O. Box 360
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Jefferson City, MO 65102
opcservice@ded.mo.gov

/s/ Larry W. Dority

Larry W. Dority