

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Notice of Election for )  
Waiver of Commission Statutes ) **Case No. IO-2011-0178**  
Pursuant to Section 392.420, RSMo, as )  
Amended by HB 1779 )

## **ORDER GRANTING WAIVER**

Issue Date: January 6, 2011

Effective Date: January 6, 2011

Section 392.420, RSMo, as amended by H.B. 1779, states in part that:

“Notwithstanding any other provision of law in this chapter and chapter 386, RSMo, where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company’s authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected.”

On December 23, 2010, Ozark Telephone Company (Ozark or the Company) filed a notice with the Missouri Public Service Commission (“Commission”) that it elects waiver Section 392.280 Accounting (depreciation/accounts) pursuant to Section 392.420, RSMo (Supp. 2009). The Company noted that alternative local exchange telecommunications companies were granted certificates in its service area in Commission Case Numbers TA-2009-0083 and TA-2009-0108.

On January 3, 2011, the Commission Staff submitted its memorandum concerning the application. It noted that:

1. The Company is an incumbent local exchange telecommunications company as that term is used in Section 392.420.

2. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

The Staff recommends that the Commission acknowledge the elected waiver and require Ozark to submit a revised tariff reflecting the waiver.

Based on the requirements of Section 392.420 and 392.245.5(8) and the verified application and Staff recommendation, the Commission finds that the waiver is consistent with the provisions and purposes of Chapter 392, RSMo. Therefore, the Commission shall grant the requested waiver.

**THE COMMISSION ORDERS THAT:**

1. Ozark Telephone Company's Notice of Election for Waiver of the above-listed provisions is accepted and the waiver is granted.
2. Ozark Telephone Company shall amend its tariff currently filed with the Commission to reflect the granted waiver.
3. This order is effective upon issuance, after which this case may be closed.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
On this 6th day of January, 2011.