

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

In the Matter of the Petition for Waiver of)
Commission Rules and Statutes on behalf) Case No. _____
of Holway Long Distance Company)

**PETITION FOR WAIVER OF COMMISSION RULES AND STATUTES
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Holway Long Distance Company (“Company”), pursuant to Sections 392.185, 392.361.5, and 392.420, RSMo.¹ and hereby petitions the Missouri Public Service Commission (“Commission”) for waiver of certain Commission rules and statutory provisions.

In support of its Petition for Waiver, Company respectfully states as follows:

1. Company is a Missouri corporation duly authorized to conduct business in Missouri, with its principal office located at 208 Ash Street, Maitland, Missouri, 64466. A copy of Company’s Certificate of Good Standing from the Missouri Secretary of State is attached as Exhibit 1. Company is duly authorized to provide “interexchange services” and “telecommunications services” within the State of Missouri as each of those terms is defined in Section 386.020, RSMo Supp. 2008. Company has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

2. Company requests expedited treatment so that this petition will be granted on or before June 19 and effective June 30 in order to allow the Company to proceed with corporate financing. Approval of this petition will have no negative effect on customers or the general public, and this request was filed as soon as possible.

¹ All statutory references to Section 392.420, RSMo, refer to the revised statute pursuant to House Bill 1779 (“HB 1779”), effective August 28, 2008.

3. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

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4. In Case No. TA-2000-786, the Commission granted Company a certificate of service authority to provide intrastate interexchange telecommunications services. Company was classified as a competitive company, and the Commission granted the standard waiver of statutes and rules that had been traditionally waived for other similarly situated companies prior to the passage of HB 1779.

5. Under Section 392.420, RSMo, where there is an alternative local exchange telecommunications company 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 the statutory and commission rule waivers.

6. The Commission has previously granted similar waivers to Company's affiliated incumbent local exchange carrier Holway Telephone Company in Case No. IE-2009-0230.

7. For competitive companies, the Commission is authorized by Section 392.361.5 RSMo. 2000 to "suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 . . ."

8. The Commission recently granted similar waivers to interexchange carrier SBC Long Distance, LLC d/b/a AT&T Long Distance in Case No. XE-2009-0308.

9. Company hereby requests that the Commission waive application and enforcement of the specific rules and state statutes listed below.

| Commission Rules (4 CSR 240-) | Brief Description |
|--|--|
| 3.550(4) and (5)(A) | Held order records, Quality of service reports. |
| 10.020* | Income on Depreciation Fund Investments |
| 30.040* | Uniform System of Accounts |
| 32.060 | Engineering and maintenance |
| 32.070 | Quality of Service |
| 32.080 | Service objectives and surveillance levels |
| 33.040(1) through (3) and (5) through (10) | Billing and payment standards |
| 33.045 | Clear identification and placement of charges on bills |
| 33.080(1) | Toll-free number for billing disputes |
| 33.130, sections (1), (4) and (5) | Operator service billing requirements |

| Missouri Statutes | Brief description of Commission's authority |
|--------------------------|---|
| 392.210.2* | Accounting (system of accounts) |
| 392.240.1* | Rates |
| 392.270* | Accounting (valuation) |
| 392.280* | Accounting (depreciation/accounts) |
| 392.290* | Issuance of stocks, bonds and other indebtedness |
| 392.300 | Transfer of property and ownership of stock |
| 392.310* | Approval of issuing stocks, bonds and other indebtedness |
| 392.320* | Certificate of Commission to be recorded – stock dividends |
| 392.330* | Account for disposition of proceeds of all sales of stocks, bonds, notes and other indebtedness |
| 392.340* | Reorganization |

* Rules and statutes with the asterisk* were previously waived by the Commission when it granted Company's certificate in Case No. TA-2000-786 and are restated here simply for administrative clarity.

10. **Concurrent Tariff Filing.** The Company has filed concurrently with this pleading a revised tariff sheet to reflect the waived statutes and rules. (See Exhibit 2.)

WHEREFORE, Company hereby requests that the Commission grant its petition for waiver consistent with other recently granted waivers and approve the tariff sheet that is being filed concurrently with this pleading on or before June 19, 2009.

Respectfully submitted,

/s/ **Brian T. McCartney**

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CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 27th day of May, 2009.

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/s/ **Brian T. McCartney**