

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	
Windstream NuVox Missouri, Inc.)	File No.
for Waiver of Certain)	
Commission Rules and Statutes.)	

**APPLICATION OF WINDSTREAM NUVOX MISSOURI, INC. FOR
WAIVER OF CERTAIN COMMISSION RULES AND STATUTES**

COMES NOW Windstream NuVox Missouri, Inc. ("Windstream"), by its undersigned counsel, pursuant to Section 392.420 R.S.Mo. and 4 CSR 240-2.060, and hereby requests that the Missouri Public Service Commission ("Commission") issue an order waiving certain Commission rules and statutes.

In support of its application Windstream states to the Commission as follows:

1. Name and Address: Applicant's legal name is Windstream NuVox Missouri, Inc.

Windstream maintains its principal place of business at:

12400 Olive Blvd., Suite 430
St. Louis, Missouri 63141
Telephone Number: 636-537-5743
Facsimile: 636-733-5743

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

3. Corporate Structure: Windstream is a Delaware corporation authorized to conduct business within the State of Missouri. A copy of its Certificate of Good Standing is attached hereto and incorporated herein by reference as **Exhibit 1**. Further, Windstream is a Competitive Local Exchange Carrier (“CLEC”) authorized by the Commission to provide basic local exchange services and long distance. Windstream has been providing services in Missouri since 1999.¹

4. Classification of Services as Competitive: In the Commission's previous orders granting Windstream’s certificates of service authority, the Commission classified Windstream and its services as competitive.

5. Waiver of Rules: The Commission has previously waived certain statutes and regulations as to Windstream, but because of the passage of time, the list is not as comprehensive as would be consistent with current Commission practices. Pursuant to Section 392.420 R.S.Mo. (see also Section 392.245.5(8)), which provides good cause for this request), Windstream requests that the following statutes and regulations be waived for Windstream:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4), (5)(A) and (5)(C)
392.240.1	4 CSR 240-10.020
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.060
392.290	4 CSR 240-32.070
392.300	4 CSR 240-32.080
392.310	4 CSR 240-33.040 (except subsection (4))
392.320	4 CSR 240-33.045
392.330	4 CSR 240-33.080(1)
392.340	4 CSR 240-33.130(1), (4) and (5)

¹ Windstream (then Gabriel Communications of Missouri, Inc.) was originally certificated by the Missouri Public Service on March 4, 1999, in Case No. TA-99-173. On April 6, 2001 the Commission issued its Order recognizing the name change from Gabriel Communications of Missouri, Inc. to NuVox Communications of Missouri, Inc., in Case No. TO-2001-550. On May 17, 2010 the Commission issued its Order recognizing the name change from NuVox Communications of Missouri, Inc. to Windstream NuVox Missouri, Inc. in Case No. TN-2010-0296.

In addition to the waiver of the aforesaid rules, Windstream further requests that the Commission waive rule 4 CSR 240-32.050(4)(B) to the extent that it approved waiver of the aforesaid Rule in connection with Southwestern Bell Telephone Company's d/b/a AT&T Missouri's Application for Waiver of the General Distribution Requirement of White Pages Directories Under Rule 4 CSR 240-32.050(4)(B) (File No.: IE-2009-0357). No public utility will be affected by the requested waiver of these statutes and regulations.

6. Pending Actions: Windstream does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

7. Compliance with Orders and Regulations: Windstream will comply with all applicable orders and regulations of the Commission.

8. Annual Reports and Fees: Windstream does not have any overdue annual reports or assessment fees.

9. Exemption from Rule 4.020(2) Advance Notice Requirement. Based on the course of prior similar applications, Windstream does not anticipate that this matter will be a contested case. However, in the alternative Windstream requests a waiver of the 60-day advance notice requirement of Rule 4.020(2) for good cause on the grounds that the purpose of such notice requirement will not likely have any bearing on this proceeding, as no advance communications with the Commission are likely to occur.

WHEREFORE, Windstream respectfully requests that the Commission issue an Order to grant waiver of the identified statutes and regulations, including a waiver of 4 CSR 240-

32.050(4)(B) to the extent it granted such waiver to AT&T Missouri in File No. IE-2009-0357, and grant such other and further relief to Windstream as the Commission deems meet and proper.

Respectfully submitted,

/s/ Carl J. Lumley

Carl J. Lumley, #32869
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Attorneys for Windstream NuVox Missouri, Inc.

VERIFICATION


STATE OF ARKANSAS)
)
COUNTY OF PULASKI) SS.

I, Mike Rhoda, being first duly sworn, depose and state that I am over the age of 21 years sound of mind, and the Senior Vice President – Government Affairs of Windstream NuVox Missouri, Inc., the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of Windstream NuVox Missouri, Inc., that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Windstream NuVox Missouri, Inc. in this proceeding.



Name/Title: Mike Rhoda, Sr. VP – Gov. Affairs
Windstream NuVox Missouri, Inc.

Subscribed and sworn to before this 27 day of October, 2010.


Notary Public

My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 29th day of October, 2010, by either e-mail or U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

WINDSTREAM NUVOX MISSOURI, INC.

using in Missouri the name

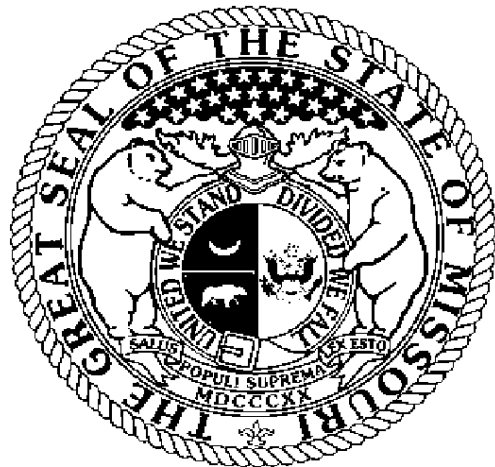
WINDSTREAM NUVOX MISSOURI, INC.
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a DELAWARE entity was created under the laws of this State on the 14th day of October, 1998, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 29th day of October, 2010

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 13290077-1 Reference:
Verify this certificate online at <https://www.sos.mo.gov/businessentity/soskb/verify.asp>