

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

In the Matter of the Application of	)	
tw telecom of kansas city, llc for	)	<u>Case No. CE-2009-0176</u>
Waiver of Commission Rules and	)	Tariff Nos. JC-2009-0350
Statute	)	and JC-2009-0349

ORDER GRANTING WAIVERS

Issue Date: December 11, 2008

Effective Date: December 11, 2008

On August 28, 2008, House Bill 1779 became effective, modifying §392.420 RSMo 2000, so that it now provides, in pertinent part:

[F]or all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340.

On November 12, 2008, tw telecom of Kansas city, llc ("the Company") filed a request with the Missouri Public Service Commission ("Commission") that Commission waive certain rules and statutory provisions pursuant to RSMo Section 392.420.

On December 1, 2008, the Commission Staff submitted its memorandum concerning the request. It noted that:

1. The Company is alternative local exchange telecommunications companies 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 waivers requested by the Company are:

4 CSR 240-3.550 (4) and (5)(A) Held order records and quality of service reports
4 CSR 240-32.060 Engineering and maintenance
4 CSR 240-32.070 Quality of Service
4 CSR 240-32.080 Service objectives and surveillance levels
4 CSR 240-33.040(1) through (3) and (5) through (10) Billing and payment standards
4 CSR 240-33.045 Clear identification and placement of charges on bills
4 CSR 240-33.080 (1) Toll-free number for billing disputes on bills
4 CSR 240-33.130 (1), (4) and (5) Operator service billing requirements
392.300.1 Transfer of property and ownership of stock

The Staff recommends that the Commission grant the Company's requested waivers and notes that the Company has filed amended tariff sheets to list these waivers in the Company's tariffs.

THE COMMISSION ORDERS THAT:

1. The Company's Request for Waiver of the above-listed provisions is granted.
2. The amended tariff sheets shall be allowed to take effect by operation of law.
3. This order is effective upon issuance, after which this case may be closed.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 11th day of December, 2008.