

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

In the Matter of the Waiver of	)	
Certain Rules and Statutes to	)	File No. TE-2012-0073
Telecommunications Companies	)	

**NOTICE OF ELECTION OF WAIVERS**

COMES NOW tw telecom of kansas city llc ("tw telecom" or "Company") and hereby notifies the Missouri Public Service Commission of its election to waive and be exempt from the application of certain statutes and Commission rules, pursuant to Sections 392.245.5(8), 392.420 and 392.461 RSMo.

1. tw telecom of kansas city llc is a Delaware corporation with its principal place of business located at 10475 Park Meadows Drive, Suite 400, Littleton, Colorado (CO) 80124. Its telephone number is 1-800-937-7473. tw telecom is a provider of basic local (CLEC) telecommunications services in Missouri, pursuant to certificates of service authority issued in Case Nos. CA-2002-1153 (*Order* effective March 30, 2003), XA-2002-1154 (*Order* effective February 8, 2003) and LA-2003-0001 (*Order* effective February 28, 2003).<sup>1</sup> The nature of Applicant's business is the provision of telecommunications services. Applicant is authorized to do business in Missouri. Its certificate of authority to transact business in Missouri is on-file with the Commission in the record of Case No. CN-2008-0363 and is hereby incorporated by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G). tw telecom is an "alternative local exchange telecommunications company" and is duly

---

<sup>1</sup> See *also*, MoPSC Case No. TM-2007-0472, CA-2007-0473 and CN-2008-0363.

authorized to provide "telecommunications service" within the State of Missouri as each of those terms is defined in Section 386.020, RSMo.

2. All correspondence, pleadings, orders, decisions and communications regarding this matter should be sent to:

William D. Steinmeier  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City, Missouri (MO) 65110-4595  
Telephone: (573) 659-8672  
Fax: (573) 636-2305  
Email: wds@wdspsc.com

3. tw telecom of kansas city llc has no pending action or unsatisfied final judgment or decision against it from any state or federal agency or court which involves Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Notice. No Missouri annual reports or assessment fees are overdue.

4. Section 392.461, RSMo, as enacted in HB 338 in 2011, provides as follows:

A telecommunications company may, upon written notice to the commission, elect to be exempt from certain retail rules relating to:

- (1) The provision of telecommunications service to retail customers and established by the commission which include provisions already mandated by the Federal Communications Commission, including but not limited to federal rules regarding customer proprietary network information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming); or
- (2) The installation, provisioning, or termination of retail service.

5. Missouri Public Service Commission Staff opened this Case File TE-2012-0073 to allow telecommunications companies to file a Notice of Election of Waivers pursuant to Sections 392.245.5(8), 392.420 and 392.461, RSMo.

Staff has set forth the list of available waivers in Paragraph 4 of Staff's Motion filed on October 18, 2011.

6. tw telecom of kansas city llc hereby exercises its statutory right to elect to waive the application and enforcement of the list of statutes and rules contained in Paragraph 4 of Staff's Motion pursuant to Section 392.245.5(8), 392.420 and 392.461, RSMo.
7. By opting into the waivers contained in this Notice of Election, tw telecom does not waive any right or opportunity to seek additional waivers in the future.

WHEREFORE, tw telecom of kansas city llc provides the Commission with its written notice of its election to waive certain rules and statutes pursuant to Sections 392.245.5(8), 392.420 and 392.461, RSMo, commencing on the date of this filing.

Respectfully submitted,

***/s/ William D. Steinmeier***

---

William D. Steinmeier      MoBar #25689  
WILLIAM D. STEINMEIER, P.C  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City MO 65110-4595  
Telephone: 573-659-8672  
Facsimile: 573-636-2305  
Email: wds@wdspc.com

Attorney for tw telecom of kansas city llc

Dated: March 30, 2012

**VERIFICATION**

***(To be late-filed)***

### **CERTIFICATE OF SERVICE**

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)) and the Office of Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)) on this 30<sup>th</sup> day of March 2012.

**/s/ William D. Steinmeier**