

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

In the Matter of the Application of Windstream)
NuVox Missouri, Inc. for Waiver of) **Case No. TE-2011-0118**
Certain Commission Rules and Statutes)

ORDER GRANTING WAIVERS

Issue Date: December 1, 2010

Effective Date: December 1, 2010

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

“[i]n the case of an application for certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and for all existing alternative local exchange telecommunications companies, the commission shall waive, at 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 October 29, 2010, Windstream NuVox Missouri, Inc. (Windstream or the Company) filed an application with the Missouri Public Service Commission (“Commission”) for waiver of certain rules and statutory provisions pursuant to Section 392.420, RSMo Supp. 2009.

On November 15, 2010, the Commission Staff submitted its memorandum concerning the application. 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), (5)(A) and (5)(C) Held Order Records and Quality of Service Reports
- 4 CSR 240-10.020 Income on Depreciation Fund Investments
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.050(4)(B) General Distribution Requirement of White Pages Directories
- 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

- 392.210.2 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
- 392.300.1 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 Disposition of Proceeds of Sales of Stocks, Bonds, Notes and Other Indebtedness
- 392.340 Reorganization

The Staff recommends the waiver to 4 CSR 240-32.050(4)(B) be limited to require the Company to inform its customers in its metropolitan areas that they will not automatically receive a metropolitan area residential white pages unless they call Windstream's toll-free number or use Windstream's website to request delivery of the directory. Staff also recommends the Company forward to AT&T electronic files identifying those customers that make the directory request in order to allow delivery pursuant to the applicable interconnection agreement. Lastly, Staff recommends the Commission take notice of Windstream's election and require the company to file revised tariff pages that designate the rules and statutes waived.

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 waivers, with the limitation as set out by staff, are consistent with the provisions and purposes of Chapter 392, RSMo. Therefore, the Commission shall grant the requested waivers.

THE COMMISSION ORDERS THAT:

1. Windstream NuVox Missouri, Inc.'s Application for Waiver of the above-listed provisions is granted with the limitation set out below.
2. The Waiver of 4 CSR 240-32.050(4)(B) is limited by the requirement that Windstream NuVox Missouri, Inc. inform its customers in its metropolitan areas that they will not automatically receive a metropolitan area residential white pages unless they call Windstream's toll-free number or use Windstream's website to request delivery of the directory.
3. Windstream NuVox Missouri, Inc. shall amend its tariff currently filed with the Commission to reflect the granted waivers.
4. 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 1st day of December, 2010.