

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

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

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On May 19, 2010, Windstream NuVox Missouri, Inc. (“the Company”) filed an Application for Waiver of Commission Rules and Statutes, requesting that the Commission waive certain rules and statutory provisions pursuant to §392.420 RSMo Supp. 2009.

2. Section 392.245.5(8), as amended by H.B. 1779, states in relevant part that  
“ . . . all alternative local exchange telecommunications companies shall not be required to comply with customer billing rules, network engineering and maintenance rules, and rules requiring the recording and submitting of service objectives or surveillance levels established by the commission.”

3. Section 392.245.5(8) does provide, however, that the Commission shall retain the authority to hear and resolve customer complaints based upon certain federal regulations and standards, the company’s tariff, or Commission rules “other than those related to customer billing, network engineering and maintenance, and service objectives and surveillance levels or a failure to provide service in a manner that is safe, adequate, usual and customary in the telecommunications industry.”

4. In addition to that retention of authority, the Staff notes that these waivers do not relieve the Company of any reporting or other obligations that arise from a source other than the waived rules or statutory provisions, such as undertakings made in a Stipulation or Agreement or as a merger or other condition.

5. 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 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.”

6. The Company is an alternative local exchange telecommunications company as that term is used in the statutory provisions recited above. In the attached Memorandum, labeled Appendix A, the Staff recommends the Commission grant the following waivers:

4 CSR 240-32.050(4)(B) Directory Distribution (The Staff recommends that this waiver be limited to require the Company to inform its customers in certain metropolitan areas that they will not automatically receive a metropolitan area residential white pages, and establish a way for the customer to request and receive such a directory, as set forth in the attached Memorandum), and

392.210.2 Accounting requirements (system of accounts)

392.240.1 Reasonableness of rates

392.270 Accounting requirements (valuation of property)

392.280 Accounting requirements (depreciation rates/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 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)

392.340 Company reorganization

7. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission annual reports.

WHEREFORE, the Staff recommends that the Commission grant the Company the waivers requested in the Application and require it to amend its tariff to reflect the granted waivers.

Respectfully submitted,



Colleen M. Dale

Senior Counsel

Missouri Bar No. 31624

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-4255 (Telephone)

[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 15<sup>th</sup> day of November, 2010.

A handwritten signature in black ink, appearing to be "All the way" or similar, written in a cursive style.

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TE-2011-0118  
Company Name: Windstream NuVox Missouri, Inc.

From: Lisa Mahaney  
Telecommunications Department

William Voight 11/10/10  
Utility Operations Division/Date

Subject: Request for Waivers

Date: 11/10/10

Windstream NuVox Missouri, Inc. (Company), a competitive local exchange telecommunications service provider, filed an Application for Waiver of Certain Commission Rules and Statutes pursuant to 4 CSR 240-2.060 and Section 392.420, RSMo, as amended by House Bill 1779, effective August 28, 2008. The Commission Staff (Staff) has no objections to the requested waivers identified in the filing.

Company requests the Commission waive the following:

## **COMMISSION RULES**

4 CSR 240-32.050(4)(B)

## **STATUTES**

392.210.2  
392.240.1  
392.270  
392.280  
392.290  
392.300  
392.310  
392.320  
392.330  
392.340

Staff notes that the Commission has previously granted a waiver of CSR 240-32.050(4)(B), General Distribution Requirement of White Pages Directories, in Case Nos. IE-2009-0357, TA-2010-0066 and CE-2010-0077.

Staff recommends that the Commission's Order explicitly state that Company should advise its customers in the metropolitan calling areas that they will not receive printed residential white page directories unless they call Company's toll-free number or use Company's website to request delivery of such printed directories; and that Company forward to AT&T electronic files identifying those customers that make such requests, so that delivery can be accomplished pursuant to the applicable interconnection agreement.

Staff recommends the Commission grant to Company all of the waivers listed above, and direct Company to file a tariff sheet to list these waivers in its tariff.

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.

☐ The Company is delinquent: (☐ No annual report ☐ Unpaid PSC assessment.  
Amount owed: )

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

STATE OF MISSOURI                    )  
                                                  )    ss:  
COUNTY OF COLE                    )

*Lisa Mahaney*  
LISA MAHANEY

**SUSAN L. SUNDERMEYER**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Callaway County  
My Commission Expires: October 03, 2014  
Commission Number: 10942086

  
NOTARY PUBLIC