

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

In the Matter of the Application of)	
)	
YourTel America, Inc.)	
)	Case No. _____
for Waiver of Commission Rules)	
and Statute)	

APPLICATION FOR WAIVER OF COMMISSION RULES AND STATUTE

Comes now YourTel America, Inc. (“YourTel”), by its undersigned counsel, and pursuant to Sections 392.245.5(8), 392.420, 4 CSR 240-2.060, 4 CSR 240-2.080 and 4 CSR 240-3.015, hereby applies to the Missouri Public Service Commission (hereinafter, “the Commission”) for an order that waives the following Commission rules and statutory provision:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3.550(5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040(1) - (3), and (5) - (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080(1)
- 4 CSR 240-33.130(1)
- 4 CSR 240-33.130(4)
- 4 CSR 240-33.130(5)

Section 392.300.1 RSMo.

YourTel also requests the Commission approve YourTel’s separately filed tariff revisions to reflect the requested waivers.

In support of this Application, YourTel states as follows:

1. YourTel America, Inc., 2800 East 18th Street, Kansas City, MO 64127, is a Missouri corporation and in good standing with the Missouri Secretary of State’s office.

Attached as **Exhibit A** is a Certificate of Good Standing from the Missouri Secretary of State. YourTel is an alternative local exchange company, certificated by this Commission to provide basic local, local exchange, exchange access, and interexchange service in Missouri. See Case No. TA-99-115, Order dated April 12, 1999, and Case No. XA-2003-0118, Order dated November 5, 2002. In Case No. TO-2002-165, the Commission acknowledged the addition of a fictitious name, i.e., The Pager Company d/b/a The Pager and Phone Company, and on December 15, 2006, The Pager Company d/b/a The Pager and Phone Company filed adoption notices and revised tariff title sheets, with a proposed effective date of January 17, 2007, to reflect its change of corporate name to YourTel America, Inc. in Case No. CN-2007-0218. The Commission recognized YourTel's name change by Order dated January 3, 2007.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Mark P. Johnson
Sonnenschein Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, MO 64111
Telephone: (816) 460-2424
Facsimile: (816) 531-7545
Electronic mail: mjohnson@sonnenschein.com

3. YourTel states that there are no pending actions or unsatisfied final judgments or decisions against it in any state or federal agency, or court, which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

4. YourTel does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.

5. Under Section 392.245.5(8), RSMo, "...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..." Section 392.420, RSMo, provides that "...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..." Pursuant to those provisions, YourTel seeks a Commission Order waiving the applicability of the following rules and statute:

4 CSR 240-3.550(4)) Telecommunications Company Records and Reports

4 CSR 240-3.550(5)(A) Telecommunications Company Records and Reports

4 CSR 240-32.060 Engineering and Maintenance Standards

4 CSR 240-32.070 Quality of Service

4 CSR 240-32.080 Service Objectives and Surveillance Levels

4 CSR 240-33.040(1) - (3) and (5) - (10) Billing and Payment Standards for Residential Customers

4 CSR 240-33.045 Requiring Clear Identification and Placement of Separately Identified Charges on Customer Bills

4 CSR 240-33.080(1) Disputes by Residential Customers

4 CSR 240-33.130(1) Operator Service

4 CSR 240-33.130(4) Operator Service

4 CSR 240-33.130(5) Operator Service

Section 392.300.1 RSMo.

6. Per 4 CSR 240-2.061(5), good cause for granting these waivers is provided by the finding of the Missouri General Assembly in HB 1779 that alternative local exchange companies should be relieved of certain regulatory requirements. As an alternative local exchange telecommunications company, YourTel is entitled to waiver of the listed requirements.

7. YourTel also requests the Commission approve the separately filed revised tariff to reflect the waivers granted herein. A specimen copy of the proposed revised tariff sheets is attached hereto as **Exhibit B**.

WHEREFORE, YourTel respectfully requests that the Commission issue its order waiving the applicability of the following rules and statute to YourTel's services in Missouri:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3.550(5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040(1) - (3) and (5) - (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080(1)
- 4 CSR 240-33.130(1)
- 4 CSR 240-33.130(4)
- 4 CSR 240-33.130(5)

Section 392.300.1 RSMo.

and approve the separately filed tariff revision to reflect these waivers.

Respectfully submitted,

/s/ Mark P. Johnson

Mark P. Johnson Mo. Bar # 30740
mjohnson@sonnenschein.com
Sonnenschein Nath & Rosenthal, LLP
4520 Main Street, Suite 1100
Kansas City, Missouri 64111
(816) 460-2545
(816) 460-531-7545 (FAX)

ATTORNEYS FOR YOURTEL AMERICA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically, this 3rd day of August, 2009, to:

Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230

General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-2230

/s/ Mark P. Johnson

Attorney for YourTel America, Inc.

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

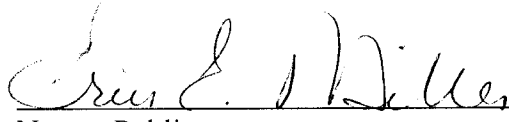
COMES NOW Mark Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Mark Johnson, and I am an attorney for YourTel America ("Applicant"). In that capacity, I am authorized to verify the statements contained in the Application above, and the information contained therein, on behalf of Applicant.
2. The information contained in the above-described document is true and accurate to the best of my knowledge and belief.



Mark Johnson

Subscribed and sworn to before me this 3rd day of August, 2009.



Notary Public

My Commission Expires:

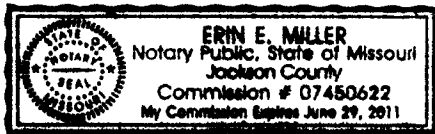


EXHIBIT A

CERTIFICATE OF GOOD STANDING

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

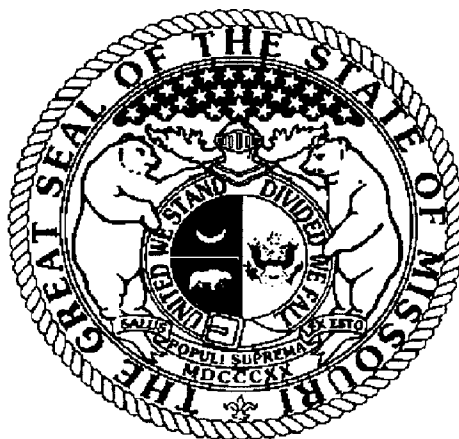
YOURTEL AMERICA, INC.
00417098

was created under the laws of this State on the 4th day of October, 1995, 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 3rd day of August, 2009

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

Secretary of State



Certification Number: 11994529-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

EXHIBIT B

TARIFF REVISIONS



Matt Connolly
816.388.1066
mconnolly@yourtel.com

2800 E 18th St.
Kansas City, MO
64127

August 3, 2009

VIA EFIS

Ms. Colleen Dale
Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65102-0360

Re: YourTel America, Inc. Tariff Revision to update waiver list in MO P.S.C. No. 1.

Dear Judge Dale,

Please find enclosed for filing one revised tariff sheet to update the list of statute and rule waivers in YourTel America's MO P.S.C. Tariff No.1. This is filed pursuant to HB 1779. An application for approval of the new waivers is also being filed in behalf of YourTel America. The following revised tariff sheet, with a requested thirty (30) day effective date, is submitted:

First Revised Page 2 replacing Original Page 8

The proposed effective date for this is September 2nd, 2008.

Sincerely,

/s/ Matt Connolly

Matt Connolly
Special Projects Manager

Enclosures
cc. The Office of Public Counsel

LOCAL TELECOMMUNICATIONS SERVICES

LIST OF WAIVED STATUTES AND REGULATIONS

The Missouri Public Service Commission, in its order in Case No. TA-T-97-203, *In the Matter of the Application of The Pager Company for a Certificate of Authority to Resell Basic Exchange and Local Exchange Intrastate Telecommunications within the State of Missouri*, and *In the Matter of the Application of YourTel America, Inc. for Waiver of Commission Rules and Statute*, waived the following statutes and regulations:

(AT)
|
(AT)

Statutes

Section 392.210.2	uniform system of accounts
Section 392.270	valuation of property (ratemaking)
Section 392.280	depreciation accounts
Section 392.290.1	issuance of securities
Section 392.300.1	sale, assignment, lease, transfer, mortgage, disposition
	encumbrance, merger or consolidation
Section 392.300.2	acquisition of stock
Section 392.310	stock and debt issuance
Section 392.320	stock dividend payment
Section 392.330	issuance of securities, debts and notes
Section 392.340	reorganization(s)

(AT)
(AT)

Commission Rules

4 CSR 204-3.550(4)	telecommunications company records and reports
4 CSR 240-3.550(5)(A)	telecommunications company records and reports
4 CSR 240-10.020	depreciation fund income
4 CSR 240-30.040	uniform system of accounts
4 CSR 240-32.060	engineering and maintenance standards
4 CSR 240-32.070	quality of service
4 CSR 240-32.080	service objectives and surveillance levels
4 CSR 240-33.040(1) - (3)	billing and payment standards for residential customers
and (5) - (10)	
4 CSR 240-33.045	requiring clear identification and placement of separately identified
4 CSR 240-33.080(1)	disputes by residential customers
4 CSR 240-33.130(1)	operator service
4 CSR 240-33.130(4)	operator service
4 CSR 240-33.130(5)	operator service
4 CSR 240-35	reporting of bypass and customer-specific arrangements

(AT)
(AT)

(AT)
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(AT)