

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

In the Matter of the Petition for Waiver of)	
Commission Rules and Statutes Pursuant to)	Case No. CE-2009-0210
Section 392.420, as amended by HB 1779)	

STAFF RECOMMENDATION

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

1. On November 18, 2008, Mark Twain Communications Company (Company) filed a Petition for Waiver of Commission Rules and Statutes with the Missouri Public Service Commission (Commission) requesting that the Commission waive certain Commission rules and statutory provisions pursuant to RSMo Section 392.420, as amended by House Bill 1779.

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 regulation 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. 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.”

5. The Company is an alternative local exchange telecommunications company as that term is used in Section 392.245.5(8) and 392.420. The specific waivers requested by the Company comply with the type of waivers contemplated by the passage of House Bill 1779. In the attached Memorandum, labeled Appendix A, the Staff recommends the Commission grant the waivers.

6. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

WHEREFORE, the Staff recommends that the Commission grant the requested waivers to Mark Twain Communications Company and direct the Company to list those waivers in its tariff.

Respectfully submitted,

/s/ William K. Haas
William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
william.haas@psc.mo.gov (E-mail)

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 9th day of December, 2008.

/s/ William K. Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CE-2009-0210
Company Name: Mark Twain Communications Company

From: Sara Buyak
Telecommunications Department

William Voight 12/4/08
Utility Operations Division/Date

Subject: Request for Waivers

Date: 12/4/08

Mark Twain Communications Company filed an Application for Waiver of Commission Rules and Statute pursuant to 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 application.

Mark Twain Communications Company requests the Commission waive the following:

4 CSR 240-3.550(4) and (5)(A) and (5)(C)
4 CSR 240-32.060
4 CSR 240-32.070
4 CSR 240-32.080
4 CSR 240-33.040 sections (1) through (3) and sections (5) and (10)
4 CSR 240-33.045
4 CSR 240-33.080 (1)
4 CSR 240-33.130 (1) (4) and (5)
392.210, subsection 2
392.240, subsection 1
392.270
392.280
392.290
392.300
392.310
392.320
392.330
390.340

Staff recommends the Commission grant all the waivers listed above.

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

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

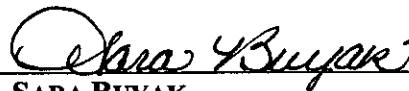
In the Matter of the Petition for Waiver of)
Commission Rules and Statutes Pursuant to)
Section 392.420, RSMo, as amended by)
HB 1779.)

Case No. CE-2009-0210

AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


SARA BUYAK

Subscribed and affirmed before me this 4th day of December, 2008

NIKKI SENN Notary Public - Notary Seal State of Missouri Commissioned for Osage County My Commission Expires: October 01, 2011 Commission Number: 07287016


NOTARY PUBLIC