

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

In the Matter of the Application of Sage )	
Telecom, Inc. for Waiver of Commission )	Case No. CE-2009-0234
Rules and Statute )	Tariff No. JC-2009-0415

**STAFF RECOMMENDATION**

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

1. On December 2, 2008, Sage Telecom, Inc. (Company) filed an Application for Waiver of Commission Rules and Statute (Application) with the Missouri Public Service Commission (Commission) requesting that the Commission waive certain Commission rules and a statutory provision pursuant to RSMo<sup>1</sup> Sections 392.245.5(8) and 392.420. The Company also submitted a revised tariff sheet adding the requested waivers. The tariff sheets bear a proposed effective date of January 1, 2009.

2. The Company's reference to RSMo Sections 392.245(8) and 392.420 refers to the statutes as revised by the passage of House Bill 1779, which became effective August 28, 2008.

3. 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.”

4. 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

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<sup>1</sup> All references to RSMo refer to the Missouri Revised Statutes 2000, as currently supplemented.

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.”

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 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.

7. 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 Sage Telecom, Inc., and approve the revised tariff sheet.

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](mailto: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 9<sup>th</sup> day of December, 2008.

/s/ William K. Haas

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. CE-2009-0234  
Company Name: Sage Telecom, Inc.

From: Sara Buyak  
Telecommunications Department

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

Subject: Request for Waivers

Date: 12/4/08

Sage Telecom, Inc. 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.

Sage Telecom, Inc. requests the Commission waive the following:

- 4 CSR 240-3.550(4) and (5)(A)
- 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) through (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080 (1)
- 4 CSR 240-33.130 (1) (4) (5)
- 392.300 (1)

Staff recommends the Commission grant all the waivers listed above. Sage Telecom, Inc. filed tariff filing No. JC-2009-0415 effective January 1, 2009 in order to add these waivers to their tariffs.

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

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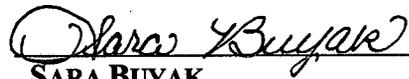
In the Matter of the Petition for Waiver of )  
Commission Rules and Statutes Pursuant to )  
Section 392.420, RSMo, as amended by )  
HB 1779. )

Case No. **CE-2009-0234**

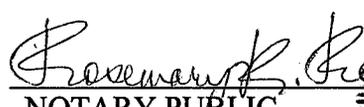
**AFFIDAVIT OF Sara Buyak**

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.

  
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SARA BUYAK

Subscribed and affirmed before me this 4<sup>th</sup> day of December, 2008.

  
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NOTARY PUBLIC



ROSEMARY R. ROBINSON  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Callaway County  
My Commission Expires: September 23, 2012  
Commission Number: 08499510