

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

In the Matter of the Petition for)
Waivers of Certain Rules and Statutes) Case No. _____
On Behalf of dPi Teleconnect LLC)

**PETITION FOR WAIVERS ON BEHALF OF
DPI TELECONNECT LLC**

COMES NOW dPi Teleconnect, LLC (“dPi”), by its undersigned attorneys, and hereby petitions the Missouri Public Service Commission (“Commission”) for a waiver of the application and enforcement of certain rules and statutes not previously waived on dPi’s behalf by the Commission, pursuant to Sections 392.185, 392.361.5, and 392.420, RSMo, as amended by HB 1779.¹ These rules and statutes whose waiver is sought are limited to those waived for other competitive telecommunications companies, in each case with Staff’s support. In support of its petition, dPi respectfully states as follows:

1. dPi is a Delaware limited liability company duly authorized to conduct business in Missouri with its principle office located at 1330 Capital Parkway, Carrollton, Texas 75006. A copy of dPi’s certificate from the Missouri Secretary of State authorizing it to do business in Missouri was filed in Case No. CO-2010-0054, and is incorporated herein by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G).

2. Pursuant to the Commission’s Order granting dPi’s Certificate to Provide Basic Local and Exchange Access Telecommunications Services issued November 19, 1999 in Case No. TA-2000-44, dPi was granted a certificate of service authority to provide basic local and

¹ All statutory references to Section 392.420, RSMo, refer to the revised statute pursuant to House Bill 1779 (“HB 1779”), effective August 28, 2008.

exchange access telecommunications services, was classified as a competitive company, and was granted waiver of certain statutes and regulatory rules as authorized by Section 392.420, RSMo.

3. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Mark P. Johnson MBN 30740
Lisa A. Gilbreath MBN 62271
SNR Denton US LLP
4520 Main Street
Suite 1100
Kansas City, MO 64111-7700
mark.johnson@snrrenton.com
lisa.gilbreath@snrrenton.com
Voice (816) 460-2424
Facsimile (816) 531-7545

and

Melanie King
Regulatory Paralegal
dPi Teleconnect, LLC
1330 Capital Parkway
Carrollton, TX 75006
Voice (972) 488-5500, Ext. 4082
Facsimile (469) 574-7931
Melanie.king@dpiteleconnect.com

4. dPi has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

5. As noted above, in its Order in Case No. TA-2000-44, the Commission granted the standard waiver of statutes and rules that had been traditionally waived for other similarly situated companies prior to the passage of HB 1779. Due to the passage of time, the list of waived rules and statutes is no longer current with Commission practice.

6. Under Section 392.420, RSMo, where there is an alternative local exchange telecommunications company authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into the statutory and Commission rule waivers. As a result, many local exchange carriers have received the following waivers:

Commission Rules

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 with the exception of subsection (4)
4 CSR 240-33.045
4 CSR 240-33.080 (1)
4 CSR 240-130 (1),(4) and (5)

Statutes

392.210.2
392.240.1
392.270
392.280
392.290
392.300
392.310
392.320
392.330
392.340

7. For competitive companies, the Commission is authorized by Section 392.361.5 RSMo. 2000 to “suspend or modify the application of its rules or the application of any statutory provisions contained in sections 392.200 to 392.340.”

8. In its Order Granting Waivers issued December 11, 2008, in Case No. TE-2009-0169, *In the Matter of the Petition of AT&T Corp. d/b/a AT&T Advanced Solutions for Waiver of Commission Rules and Statutes*, the Commission granted the waivers set forth above in Paragraph 6, based upon Staff’s recommendation that “it is clearly within the spirit of HB 1779 to extend the exemptions to the Company.” See Order at 2. In addition, by its Order Granting Waivers issued on April 1, 2009, in Case No. XE-2009-0308, the Commission granted AT&T Long Distance interexchange carriers those waivers, pursuant to Staff’s recommendation that “the waiver of the requested statutory authority and Commission rule provisions is consistent with the other provisions of Section 392.361 to 392.520 and the purpose of Chapter 392.” See Staff Recommendation at 2 (Mar. 18, 2009).

9. Similarly, the Commission has granted these waivers to other competitive local exchange carriers, such as Sage Telecom, Inc. in Case No. CE-2009-0234 and Global Crossing Local Services, Inc. in Case No. CE-2010-0340

10. Accordingly, dPi respectfully submits that the Commission should waive application of the following Commission Rules and statutory sections to dPi (which includes those previously waived pursuant to dPi’s certificate of service authority):

Commission Rules

- 4 CSR 240-3.550(4) and (5)(A)
- 4 CSR 240-10.020
- 4 CSR 240-30.040
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080

4 CSR 240-33.040 with the exception of subsection (4)
4 CSR 240-33.045
4 CSR 240-33.080 (1)
4 CSR 240-130 (1),(4) and (5)

Statutes

392.210.2
392.240.1
392.270
392.280
392.290
392.300
392.310
392.320
392.330
392.340

11. dPi expects to file appropriate replacement tariffs in the beginning of July, 2011.

WHEREFORE, dPi Teleconnect, LLC respectfully requests that the Commission grant its petition for waiver consistent with other recently granted waivers.

Respectfully submitted,

/s/ Mark P. Johnson
Mark P. Johnson MBN 30740
Lisa A. Gilbreath MBN 62271
SNR Denton US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111-7700
mark.johnson@snrdenton.com
lisa.gilbreath@snrdenton.com
Voice (816) 460-2424
Facsimile (816) 531-7545

ATTORNEYS FOR DPI TELECONNECT
LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 24th day of June, 2011, by electronic transmission, on the following:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO

Office of Public Counsel
P.O. Box 200
Jefferson City, MO

/s/ Mark P. Johnson
Mark P. Johnson