

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

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

**PETITION FOR WAIVER OF
COMMISSION RULES AND STATUTES**

COMES NOW Fidelity Communications Services I, Inc. ("FCSP" or Company), pursuant to Section 392.420, RSMo.¹ and hereby petitions the Missouri Public Service Commission ("Commission") for waiver of certain Commission rules and statutory provisions. In support of this Petition, Company respectfully states as follows:

1. Company is a Missouri corporation duly authorized to conduct business in Missouri, with its principal office located at 64 North Clark, Sullivan, MO 63080. A copy of Company's Certificate of Good Standing from the Missouri Secretary of State is attached as Exhibit 1. Company is duly authorized to provide competitive local exchange telecommunications service and interexchange services in the State of Missouri.

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

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.

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3. Company 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.

4. Section 392.420, RSMo as revised by HB 1779 and effective on August 28, 2008, states in relevant part:

and [f]or 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.

(emphasis added).

5. Company is an “alternative local exchange company” as the term is defined by Section 386.020(1) RSMo. and hereby petitions for a waiver of the following statutes and Commission rules to the extent that such waivers have not already been granted. By requesting the waivers contained in this Petition, Company does not waive any right or opportunity to seek additional waivers in the future. The specific rules and state statutes to be waived are listed below.

Statutes:

- Section 392.210, subsection 2, RSMo.
- Section 392.240, subsection 1, RSMo.
- Section 392.270, RSMo.
- Section 392.280, RSMo.
- Section 392.290, RSMo.
- Section 392.300, RSMo.
- Section 392.310, RSMo.
- Section 392.320, RSMo.
- Section 392.330, RSMo.
- Section 392.340, RSMo.

Rules:

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

6. The above-cited rules are quality of service and billing standards rules as specifically referenced in Section 392.420.

7. FCSI presents this list of rules for waiver as it understands that Commission Staff does not object to waivers of these rules. By not listing other rules, FCSI does not waive any arguments it may make in the future of whether additional rules are subject to waiver under Section 392.420.

8. **Tariff Filing.** The Company will file revised tariff sheets to reflect the waived statutes and rules following the issuance of the Commission's order granting this Petition.

WHEREFORE, Company requests that the Commission grant its petition for waivers of certain rules and statutes pursuant to Section 392.420, RSMo, as expeditiously as possible.

Respectfully submitted,

/s/ **Brian T. McCartney**

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Attorneys for Company

VERIFICATION

State of Missouri)
County of FRANKLIN)

I, Dave Beier, Vice President-Regulatory of Fidelity Communications Services I, Inc., hereby verify and affirm that I have read the foregoing Notice of Election for Waiver of Commission Rules and Statutes, and that the statements contained therein are true and correct to the best of my information and belief.

Dave Beier

Subscribed and sworn to before me this 7 th day of November, 2008.

Notary Public Hannah Zelch

My Commission expires: Aug. 8, 2009



CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 13th day of November, 2008.

General Counsel
Missouri Public Service Commission
P.O. Box 360
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gencounsel@psc.mo.gov

Mike Dandino
Office of Public Counsel
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Jefferson City, MO 65102
opcservice@ded.mo.gov

/s/ Brian T. McCartney

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

**FIDELITY COMMUNICATION SERVICES I, INC.
00472769**

was created under the laws of this State on the 6th day of August, 1999, 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 12th day of November, 2008

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

Secretary of State



Certification Number: 11225867-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

Exhibit 1