

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

In the Matter of the Petition by Fidelity for)	
Waiver of Commission Rules and Statutes)	Case No. CE-2009-0191
Pursuant to Section 392.420, RSMo.)	
as amended by HB 1779)	

Staff Recommendation

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

1. On November 13, 2008, Fidelity Communication Services I, Inc.
 (“Fidelity” or “Company”) filed a petition with the Missouri Public Service Commission
 (“Commission”) seeking a waiver of certain Commission rules and statutory provisions
 pursuant to RSMo Section 392.420.

2. Fidelity has not submitted a tariff filing but indicates it will file revised
 tariff sheets to reflect the waived statutes and rules following issuance of a Commission
 order in this case.

3. Fidelity’s reference to RSMo Section 392.420 refers to the statute as
 revised by the passage of House Bill 1779, which became effective August 28, 2008.

4. Section 392.420, as amended by House Bill 1779, states in relevant part:

In 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. Notwithstanding any other provision of law in this chapter
 and chapter 386, RSMo, where an alternative local exchange telecommunications
 company is 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 all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected.

5. Fidelity is an alternative local exchange telecommunications company as that term is used in Section 392.420. Furthermore, in the attached Memorandum, labeled as Appendix A, Staff recommends that the Commission grant the requested waivers.

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

WHEREFORE, Staff recommends that the Commission grant Fidelity's application for waivers and direct Fidelity to file revised tariff sheets in compliance with the Commission's order.

Respectfully submitted,

/s/ Steven C. Reed

Steven C. Reed

Missouri Bar No. 40616

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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 21st day of November, 2008.

/s/ Steven C. Reed

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CE-2009-0195, CE-2009-0191, CE-2009-0192
Company Name: Fidelity Communication Services II, Inc., Fidelity
Communications Services I, Inc., and Green Hills Telecommunications Services

From: Sara Buyak
Telecommunications Department

William Voight 11-20-08
Utility Operations Division/Date

Subject: Request for Waivers

Date: November 20, 2008

Fidelity Communication Services II, Inc., Fidelity Communications Services I, Inc., and Green Hills Telecommunications Services, competitive local exchange telecommunications companies, filed a Notice of Election for Waiver of Commission Rules and Statutes 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 filings.

Fidelity Communication Services II, Inc., Fidelity Communications Services I, Inc., and Green Hills Telecommunications Services requests the Commission waive the following:

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

392.330
392.340

Staff recommends the Commission grant to the companies all of the waivers listed above and direct the companies to list these waivers in the tariffs.

- ☒ Fidelity Communication Services II, Inc is not delinquent in filing an annual report, paying the PSC assessment, and paying USF
NO Relay
- ☒ Fidelity Communications Services I, Inc. is not delinquent in filing an annual report, paying the PSC assessment, and paying USF.
NO Relay
- ☒ Green Hills Telecommunications Services is not delinquent in filing an annual report, paying the PSC assessment, paying USF, and paying Relay.