

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

**In the matter of the Joint Application of Cass)
County Telephone Company, Limited)
Partnership, LEC Long Distance, Inc.)
d/b/a CassTel Long Distance, FairPoint)
Communications, Inc., FairPoint)
Communications Missouri, Inc. d/b/a)
FairPoint Communications and ST Long)
Long Distance, Inc. d/b/a FairPoint)
Communications Long Distance for authority)
to transfer and acquire Cass County Telephone)
Company, Limited Partnership's and LEC)
Long Distance, Inc.'s facilities or systems)
located in the State of Missouri; 2) for issuance)
of certificates of service authority to FairPoint)
Communications Missouri, Inc. d/b/a FairPoint)
Communications and ST Long Distance, Inc.)
d/b/a FairPoint Communications Long Distance;)
and 3) to designate FairPoint Communications)
Missouri, Inc. d/b/a FairPoint Communications)
as a telecommunications carrier eligible to)
receive federal universal service support.)**

Case No. TM-2006-0306

**FAIRPOINT'S APPLICATION FOR VARIANCE
FROM COMMISSION RULE AND
MOTION FOR EXPEDITED TREATMENT**

Comes now Applicant ST Long Distance, Inc. d/b/a FairPoint Communications Long Distance ("FPCLD"), pursuant to Missouri Public Service Commission ("Commission") Rules 4 CSR 240-2.060(4) and 2.080(16), and respectfully applies for a variance of Commission Rule 4 CSR 240-33.150(4)(B) as specifically set forth herein. In support of its Application, FPCLD respectfully states as follows:

1. FPCLD is a corporation duly organized and existing under the laws of the State of Delaware; its principal office and place of business is located at 408 North Frontview, P.O. Box 199, Dodge City, Kansas 67801. FPCLD's telephone number is

(620) 227-4400 and its fax number is (620) 227-8576. A copy of FPCLD's certificate of authority to do business in Missouri and a copy of FPCLD's Registration of Fictitious Name were previously filed in this matter as late-filed Exhibits 5 and 6 to the original Joint Application, and are incorporated herein by reference. As set forth in the Joint Application, FPCLD seeks to continue the business presently carried on by CassTel LD of providing interexchange and local exchange telecommunications services to the public in the state of Missouri. FPCLD is wholly-owned by ST Enterprises, Ltd. which in turn is wholly-owned by FairPoint. If the instant transaction is approved by the Commission, FPCLD will become a "telecommunications company" and a "public utility" as those terms are defined in § 386.020, RSMo. 2000, and will be subject to the jurisdiction, supervision and control of this Commission.

2. All communications, correspondence, and pleadings in regard to this Application for Variance should be directed to:

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3. FPCLD has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

4. As an applicant for a certificate of service authority, FPCLD states that no annual report or assessment fees are overdue.

5. The specific rule from which a variance is sought is Commission Rule 4 CSR 240-33.150 addressing Verification of Orders for Changing Telecommunications Service Provider, and Subsection (4) thereof provides, *inter alia*:

(4) Changes in subscriber carrier selections as a result of merger or consolidation or the sale, assignment, lease or transfer of assets.

(B) A telecommunications carrier will notify all subscribers of such change through a notice in each subscriber's bill at least thirty (30) days prior to the effective date of the change.

6. The reasons for the proposed variance and a complete justification setting out good cause for granting the variance were set forth in the Staff Recommendation filed in this matter on April 21, 2006:

Customer Notification

Commission rule 4 CSR 240-33.150(4) provides that where a change in carrier selection is the result of a sale of assets, a telecommunications carrier will notify all subscribers of such change through a notice in each subscriber's bill at least 30 days prior to the effective date of the change. The companies have informed the Staff that there may not be time before the sale to provide subscribers with 30 days notice through the billing process. However, the companies expect to be able to provide notice by a special mailing at least 30 days prior to the change. A special mailing at least 30 days before the change is acceptable to the Staff. (Staff Recommendation, page 5).

Indeed, FPCLD submits that given the anticipated closing date of July 3, 2006, a special mailing is the only viable means of conforming to the 30 days notice prior to the effective date of the change. Accordingly, FPCLD requests a variance from the requirement of placing a notice in each subscriber's bill, and that FPCLD be permitted to effectuate such notice by special mailing at least 30 days before the change.

7. In accordance with Rule 4 CSR 240-2.060(4)(C), FPCLD and LEC Long Distance d/b/a CassTel Long Distance are the names of the public utilities affected by this variance request.

8. Pursuant to Commission Rule 4 CSR 240-2.080(16), FPCLD respectfully seeks expedited treatment in the Commission's consideration and approval of this Application for Variance. In order to accomplish the special mailing with 30 days notice, FPCLD requests that the Commission act by its regularly scheduled agenda meeting on May 25, 2006. The benefit that will accrue will be the ability to conform to the spirit and intent of 30-days prior notice to affected customers as contemplated by the rule, by means of a special mailing to those customers. There will be no negative effect on the customers or the general public if the commission acts by the date desired. This pleading was filed as soon as it could have been.

9. FPCLD is authorized to state that the other parties to this proceeding, the Joint Applicants, the Staff of the Commission and the Office of the Public Counsel, do not object to the relief requested herein, nor the expedited consideration of this application.

WHEREFORE, FPCLD respectfully requests that the Commission grant it a variance from the provisions of Commission Rule 4 CSR 240-33.150(4) and that the Commission grant FPCLD's Motion for Expedited Treatment, all as specifically set forth herein.

Respectfully submitted,

/s/ Larry W. Dority

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of May, 2006, a copy of the above and foregoing pleading was served via electronic mail to all parties of record.

/s/ Larry W. Dority

Larry W. Dority