

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

<b>In the Matter of the Notice of Election,</b>	)	
<b>And Request for Waiver by</b>	)	
<b>Chariton Valley Telecom Corporation</b>	)	
<b>of Commission Rules and</b>	)	<b>Case No. CE-2009-0243</b>
<b>Statutes Pursuant to Section 392.420</b>	)	
<b>RSMo., as Amended by 2008 HB 1779.</b>	)	

**First Amended  
Notice of Election, Request for Waiver of Commission Rules and Statutes  
Chariton Valley Telecom Corporation**

Comes now Chariton Valley Telecom Corporation, hereinafter “Company”, and hereby submits its first amended notification to the Missouri Public Service Commission of its election for waiver of certain Commission rules and statutory provisions, and its request for waiver of certain Commission rules and statutory provisions. In support of this Notice and Request, Company states as follows:

1. Company is a Missouri corporation duly authorized to conduct business in Missouri, with its principal office located at 1213 E. Briggs Drive, P.O. Box 67, Macon, Missouri, 63552. Company is an alternative “local exchange telecommunications company” or “competitive local exchange company”, also referred to as a “CLEC”, and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those terms is defined in Section 386.020, RSMo 2000.<sup>1</sup>

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<sup>1</sup> Section 386.020, RSMo, as revised by House Bill 1779, effective August 28, 2008.

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

Craig S. Johnson, Of Counsel  
Berry Wilson, LLC  
MoBar # 28179  
304 E. High St., Suite 100  
P.O. Box 1606  
Jefferson City, MO 65102  
(573) 638-7272  
(573) 638-2693 FAX  
craigsjohnson@berrywilsonlaw.com

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

James Simon  
General Manager  
Chariton Valley Telecom Corporation  
1213 E. Briggs Drive  
P.O. Box 67  
Macon, Missouri 63552  
(660) 395-9600  
(660) 395-4403 FAX

4. 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.

5. Section 392.420 RSMo, as revised by HB 1779 and effective on August 28, 2008, 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.

(emphasis added).

6. Under Section 392.420 RSMo, Company is entitled to waiver of certain statutes and Commission rules as a result of the enactment of 2008 HB 1779. Company competes with incumbent Spectra Communications Group, LLC, d/b/a Centurytel. Incumbent Spectra has obtained waivers of statutes and Commission rules pursuant to 2008 HB 1779 by order of November 3, 2008 in IE-2009-0880.

7. Company hereby exercises its statutory right to elect to opt into the waiver of the application and enforcement of some, but not all, of the quality of service and billing standards rules and the statutory sections listed in §392.420 RSMo.

8. As a competitive company, Company has already been granted waiver of the following statutes and Commission rules, as set forth in Company's Tariff, PSC Mo. No. 1, Section 3, Original Sheet 1:

**Statutes:**

392.210.2 Uniform System of Accounts

392.240.1 Rates-Rentals-Service & Physical Connections

392.270 Valuation of Property (ratemaking)

392.280 Depreciation Accounts

392.290 Issuance of Securities

- 392.300.2 Acquisition of Stock
- 392.310 Stock and Debt Issuance
- 392.320 Stock Dividend Payment
- 392.330 Issuance of Securities, Debts, and Notes
- 392.340 Reorganization

**Commission Rules:**

- 4 CSR 240-10.020 Depreciation Fund Income
- 4 CSR 240-30.010(2) (C) Posting of Tariffs
- 4 CSR 240-30.0040 Uniform System of Accounts
- 4 CSR 240-32.030 (4) (C) Exchange Boundary Maps
- 4 CSR 240-33.030 Minimum Charges
- 4 CSR 240-35 Reporting of Bypass and Customer-Spec Arrgmts

9. Company’s historically obtained waivers do not include the current “standard” waivers for CLECs.

10. Section 392.245(8) RSMO provides 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”.

11. Section 392.245 RSMO provides that:

“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.” (emphasis added)

12. Pursuant to Sections 392.245(8) and 392.245 RSMO, Company hereby requests that, in addition to the waivers previously granted the Company, that the Commission also grant the Company waiver from compliance with the following statutes and rules:

392.300.1 RSMo	Transfer of Property and Ownership of Stock
4 CSR 240-3.550 (4)	Held order report
4 CSR 240-3.550 (5) (A)	Quarterly service quality report
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service Objectives
4 CSR 240-33.040 (1)	Rates to be the same as advertised and tariffed
4 CSR 240-33.040 (2)	Phone companies to render a monthly bill
4 CSR 240-33.040 (3)	Monthly billing
4 CSR 240-33.040 (5)	21 day payment period
4 CSR 240-33.040 (6)	Late payments to be deemed delinquent
4 CSR 240-33.040 (7)	Delinquent charge
4 CSR 240-33.040 (8)	Bill to say how many lines are being charged for, the beginning and ending date of the bill period, the due date, penalty fees, unpaid balance, the rate charged, and an itemization of charges and duration of long distance calls, an itemization of taxes, amount due, a toll free number, etc.
4 CSR 240-33.040 (9)	Deposits to appear on the first bill
4 CSR 240-33.040 (10)	Itemization of service to be in writing
4 CSR 240-33.045	Clear identification of charges; no mislabeling charges as government mandated charges.
4 CSR 240-33.130 (1)	Operator Service, no bill for incomplete calls
4 CSR 240-33.130 (4)	Charge tariffed rates
4 CSR 240-33.130 (5)	Company's real name to appear on bill

WHEREFORE, Company hereby requests that the Commission enter an order granting Company the additional waivers set forth in paragraph 12.

Respectfully Submitted;

\_\_\_\_/s/\_\_\_\_\_  
Craig S. Johnson, Atty.  
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(573) 632-1900  
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Attorney for Company

## **CERTIFICATE OF SERVICE**

A copy of this document was served on the following parties by e-mail on this 7th day of January, 2009, to:

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\_\_\_\_\_/s/\_\_\_\_\_  
Craig S. Johnson