

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

In the Matter of the Notice of Election of)
Iowa Telecommunications Services, Inc.)
d/b/a Iowa Telecom for Waiver of)
Commission Rules and Statutes Pursuant)
To Section 392.420, RSMo, as amended)
By HB 1779.)

Case No. _____

**NOTICE OF ELECTION FOR WAIVER OF
COMMISSION RULES AND STATUTES**

COMES NOW Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom ("Iowa Telecom" or "Company"), pursuant to Section 392.420, RSMo,¹ and hereby notifies the Missouri Public Service Commission ("Commission") of its election for waiver of certain Commission rules and statutory provisions. In support of its Notice of Election, Iowa Telecom respectfully states as follows:

1. Iowa Telecom, an Iowa corporation, is an incumbent local exchange telecommunications company subject to the Commission's jurisdiction under Chapter 392 of the Missouri Revised Statutes. Iowa Telecom provides local exchange telecommunications service in 286 exchanges located throughout Iowa. Iowa Telecom also provides local exchange telecommunications service to approximately 70 customers located in Missouri that are served from three Iowa exchanges that extend into Clark County, Nodaway County and Putnam County in northern Missouri (Athens, South Braddyville, and South Seymour exchanges in Missouri). On May 25, 2000, the Commission issued its Order Approving Joint Application To Transfer Assets in Case No. TM-2000-403, which approved Iowa Telecom's joint application to purchase certain

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.

assets from GTE Midwest Incorporated, including the Missouri assets that serve the approximately 100 Missouri customers. Iowa Telecom's Certificate to Transact Business as A Foreign Corporation and Fictitious Name Registration were filed in Case No. TM-2000-403, and are incorporated herein by reference.

2. The principal place of business of Company is:

Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom
403 W. 4th St. N.
Newton, Iowa 50208
Tel: (641) 787-2337
Fax: (641) 787-2347

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

Larry W. DORITY
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Tel: (573) 636-6758
Fax: (573) 636-0383

3. Other than a pending telecom carrier complaint in another jurisdiction, 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, 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. In addition, where an interconnected voice over Internet protocol service provider is registered to provide service in an incumbent local exchange telecommunications company's authorized service area under section 392.550, 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. (emphasis added).

5. 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. Company respectively submits that at least three alternative local exchange telecommunications companies are authorized to provide local exchange telecommunications services in its authorized service area. Specifically, three alternative local exchange telecommunications companies that have been authorized by the Commission to provide services in Company's authorized service area are:

a. MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on September 25, 2008, in Case No. TA-2009-0083.

b. XO Communications Services, Inc. obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on October 9, 2008, in Case No. TA-2009-0108.

c. Socket Telecom, LLC obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on August 10, 2009, in Case No. TA-2010-0006.

6. Under Section 392.420, RSMo, where there is an interconnected internet protocol (VoIP) provider registered to provide service 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. Company respectfully submits that at least two interconnected VoIP providers are registered to provide services in its authorized service area. Specifically, two interconnected VoIP providers that filed notices of registration with the Commission to provide services in Company's authorized service area are:

a. MCI Communications Services Inc. d/b/a Verizon Business Services filed its registration as a provider of interconnected VoIP services with the Commission on September 10, 2008 and was issued a voice over internet protocol registration on September 30, 2008, in Case No. DA-2009-0096.

b. XO Communications Service, Inc. filed its registration as a provider of interconnected VoIP services with the Commission on September 19, 2008, and was issued a voice over internet protocol registration on October 8, 2008, in Case No. DA-2009-0107.

7. Company hereby exercises its statutory right to elect to opt into the waiver of the application and enforcement of quality of service and billing standards rules and the statutory sections listed in §392.420, RSMo. By opting into the waivers contained in this Notice of Election, 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 in **Attachment A** and incorporated herein by reference.

8. Concurrent with this Notice, the Company is filing revised tariff sheets to reflect the waived statutes and rules.

WHEREFORE, Company hereby provides the Commission with written notice of its election to opt into waivers of certain rules and statutes pursuant to Section 392.420, RSMo, commencing on the date of this filing.

Dated: December 15, 2009

Respectfully submitted,

/s/ Larry W. Dority

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Larry W. Dority # 25617
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Attorneys for Iowa Telecommunications
Services, Inc. d/b/a Iowa Telecom

ATTACHMENT A

Commission Rules To Be Waived:

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) which will remain in effect
4 CSR 240-33.045

Statutory Sections To Be Waived:

Subsection 2 of Section 392.210, RSMo.

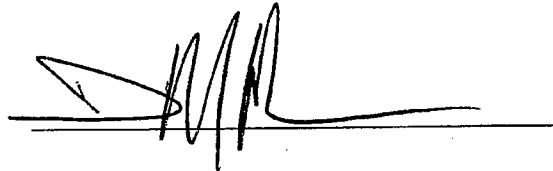
Subsection 1 of Section 392.240, RSMo.

Sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340, RSMo.

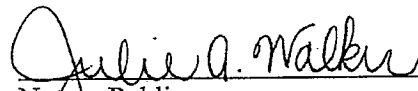
VERIFICATION

STATE OF IOWA)
) ss
COUNTY OF JASPER)

I, D. Michael Anderson, Vice President – External Affairs for Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom, 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.



Subscribed and sworn to before me on this 15th day of December, 2009.



Notary Public

My Appointment Expires: March 23, 2011



CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 15th day of December, 2009, to:

Office of the Public Counsel
P.O. Box 2230
Jefferson City MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City MO 65102

/s/ Larry W. Dority

Larry W. Dority