

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Notice of Election for)
Waiver of Commission Statutes)
Pursuant to Section 392.420, RSMo,)
as amended by HB 1779)
File No. IE-2011-0084

ORDER CONCERNING ELECTION OF WAIVERS

Issue Date: September 30, 2010

Effective Date: October 10, 2010

On August 28, 2008, House Bill 1779 became effective, modifying § 392.420, RSMo 2000, so that it now provides, in pertinent part:

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.

On September 20, 2010, Oregon Farmers Mutual Telephone Company, filed notification with the Missouri Public Service Commission that it elects to waive certain Commission statutory provisions pursuant to § 392.420, RSMo.

On September 24, 2010, the Commission Staff submitted its recommendation and memorandum concerning the notice. It noted that:

1. Oregon Farmers Mutual is an incumbent local exchange telecommunications company as that term is used in Section 392.420.
2. Prior Commission cases and annual reports confirm that alternative local exchange telecommunications companies are authorized to provide service in Oregon Farmers Mutual's territory.

3. Oregon Farmers Mutual is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

The waiver into which Oregon Farmers Mutual has opted is:

392.280 – Accounting requirements (depreciation rates/accounts)

The Staff recommends that the Commission take notice of Oregon Farmers Mutual's election and require the company to file revised tariff pages that designate the statute waived.

Section 392.420 further provides:

The commission may reimpose its quality of service and billing standards rules, as applicable, on an incumbent local exchange telecommunications company but not on a company granted competitive status under subdivision (7) of subsection 5 of section 392.245 in an exchange where there is no alternative local exchange telecommunications company or interconnected voice over Internet protocol service provider that is certificated or registered to provide local voice service only upon a finding, following formal notice and hearing, that the incumbent local exchange telecommunications company has engaged in a pattern or practice of inadequate service. Prior to formal notice and hearing, the commission shall notify the incumbent local exchange telecommunications company of any deficiencies and provide such company an opportunity to remedy such deficiencies in a reasonable amount of time, but not less than sixty days. Should the incumbent local exchange telecommunications company remedy such deficiencies within a reasonable amount of time, the commission shall not reimpose its quality of service or billing standards on such company.

THE COMMISSION ORDERS THAT:

1. Oregon Farmers Mutual Telephone Company's Notice of Election of Commission Statutes is acknowledged as received.

2. Oregon Farmers Mutual Telephone Company shall file revised tariff pages that designate the statute waived.

3. The Staff of the Commission shall send a public notice to news outlets in the Oregon Farmers Mutual's Missouri service area and the State Legislators whose districts are in the service area, notifying the news outlets and State Legislators that the filing company is no longer subject to certain Commission quality of service and billing rules, and also provide a brief description of the rules that are waived. The notice shall also inform the news outlets and State Legislators that although the Commission no longer has jurisdiction to process those complaints, the Commission will continue to track any positive and negative inquiries or complaints about service quality and billing issues.

4. The Commission's Customer Service Staff shall receive and track any positive and negative inquiries or complaints about service quality and billing issues and if Staff determines that the Company has engaged in a pattern or practice of inadequate service in service quality or increase in billing issues, it shall notify the Commission by filing a written report.

5. This order shall become effective October 10, 2010.

6. This case may be closed October 11, 2010.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 30th day of September, 2010.