

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

In the Matter of the Rescission of Waiver of)	
Commission Rule and Statute by Oregon)	<u>File No. IE-2014-0332</u>
Farmers Mutual Telephone Company)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its Recommendation states:

1. On August 28, 2008, §392.245.5(8) and §392.420 RSMo were amended by H.B. 1779, allowing regulated telecommunications companies to apply for or elect waivers of certain provisions of statutes and regulations.

2. On August 28, 2011, H.B. 338 added §392.461, which provides as follows:

A telecommunications company may, upon written notice to the commission, elect to be exempt from certain retail rules relating to:

(1) The provision of telecommunications service to retail customers and established by the commission which include provisions already mandated by the Federal Communications Commission, including but not limited to federal rules regarding customer proprietary network information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming); or

(2) The installation, provisioning, or termination of retail service.

3. On March 15, 2012, Oregon Farmers Mutual Telephone Company ("the Company") filed a Notice of Election that elected waivers consistent with §§392.245.5(8), 392.420 and 392.461, waivers to which the Company was lawfully entitled and established an election date of March 15, 2012. The Company elected

waivers of ten statutory sections and 33 rules (or, in four rules, significant portions thereof).

4. On May 2, 2014, the Company filed a rescission of the waivers of §392.300 RSMo 2000 and 4 CSR 240-3.520, concerning the sale or transfer of assets of telecommunications companies. The rescission was elected consistently with Commission procedures, is something to which the Company is lawfully entitled and established an election date of May 2, 2014.

5. The Staff notes the current controversy surrounding the pledge and subsequent transfer of assets of the Company and its affiliated interexchange telecommunications company affiliate. The Staff urges the Commission to note, in its Notice acknowledging the election of rescission of waivers, that it does not necessarily mean that the Commission asserts jurisdiction over the asset transfers at issue. No asset transfer case is presently before the Commission, and the Staff reserves its right to move to dismiss any asset transfer case that may be brought in this matter, despite the waiver rescission.

WHEREFORE, the Staff recommends that the Commission issue a Notice wherein it recognizes the Election of Waivers by the Companies as of May 2, 2014.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

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 13th day of May, 2014.

