

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

In the Matter of the Application of MCC )  
Telephony of Missouri, LLC. For Waiver of )  
Commission Rules and Statute ) Case No. LN-2010-0081

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (Commission) and for its recommendation states:

1. On September 4, 2009, MCC Telephony of Missouri, LLC, (Applicant) filed a Application for Waiver of Commission Rules and Statute pursuant to RSMo Sections 392.454.5(8), 392.420, 4 CSR 240-2.060, 4 CSR 240-2.080, and 4 CSR 240-3.015.
2. On September 8, 2009, the Commission ordered Staff to file a recommendation by September 24, 2009.
3. On September 24, 2009, Staff filed its *Recommendation* supporting the Company's request for waivers.
4. On September 28, 2009, the Commission issued an *Order* inviting any party to file evidence to show good cause to alter the 30-day requirement for the effective date for tariffs.
5. On December 23, 2009, the Company filed substituted tariff sheets that updated the issue and effective date of the tariffs sheet to comply with the Section 392.220.2 RSMo (2000) and 4 CSR 240-2.060(5)(C).
6. On December 28, 2009, the Commission directed Staff to file a recommendation regarding the revised tariff sheets.
7. In the attached Memorandum, labeled Appendix A, Staff still supports its *Recommendation* filed on September 24, 2009, which recommends that the Commission grant

waiver of the following Commission rules and statutory provision to the extent the rules and statute applies in the Applicant's capacity as a CLEC:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3550(5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040(1)-(3), and (5) – (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080(1)
- 4 CSR 240-33.130(1)
- 4 CSR 240-33.130(4)
- 4 CSR 240-33.130(5)

Section 392.300 RSMo.

8. MCC Telephony of Missouri, LLC. is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

WHEREFORE, Staff recommends that the Commission grant waivers of the above referenced Commission Rules and Statutes to MCC Telephony of Missouri, LLC.

Respectfully submitted,

/s/ Jaime N. Ott  
Jaime N. Ott  
Legal Counsel  
Missouri Bar No. 60949

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Missouri Public Service Commission  
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**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 8<sup>th</sup> day of January 2010.

/s/ Jaime N. Ott

## Memorandum

To: Missouri Public Service Commission Official Case File  
Case No. LN-2010-0081  
Tariff No. YL-2010-0152  
Date: September 24, 2009

From: Sara Buyak  
Telecommunications Department

John Van Eschen      9/24/09  
Utility Operations Division/Date

**Subject: Staff Recommendation for Approval of Name Change**

Existing Name of Company: MCC Telephony of Missouri, Inc.  
Proposed Name of Company: MCC Telephony of Missouri, LLC

**The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for** (indicate PSC MO numbers) **effective** (indicate effective date).

### Review Items

**Administrative:**

- No applications to intervene filed.
- Evidence of registration of the name change with the Missouri Secretary of State has been submitted.

- Customers have been notified. (4 CSR 240-3.545(20))
- Customers will be notified at or before the next billing cycle of any name change. (4 CSR 240-3.545(20))

**Tariff:**

- Adoption Notice
- Revised Title Page (see tariff review section below)
- New Tariff (see tariff review section below)

**Tariff review items (as applicable):**

- Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- Identifies competitive classification.
- Identifies waivers granted.
- Customer specific pricing, if proposed, limited for private line, special access or Centrex-like services or to business customers in exchanges where the incumbent local exchange company has had its business services declared competitive pursuant to Section 392.245. (392.200(8)).
- Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).

Appendix A

- If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

**Tariff review items (as applicable, only for CLECs):**

- Tariff clearly indicates areas offering local service area  
(\_\_\_\_ AT&T Missouri, \_\_\_\_ CenturyTel, \_\_\_\_ Sprint, \_\_\_\_ Spectra, \_\_\_\_ Other)
- Tariff offers local service as a separate and distinct service.
- Switched access service rates capped at ILEC's rates.

**Are there additional recommendations or special considerations?**

No

Yes

If yes, explain in an attachment.

The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri..

The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

( No annual report  Unpaid PSC assessment  Unpaid MoUSF

Unpaid Relay Missouri. Amount owed: )

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

In the Matter of the Application of MCC )  
Telephony of Missouri, Inc. for Name ) Case No. LN-2010-0081  
Change )

**AFFIDAVIT OF Sara Buyak**

STATE OF MISSOURI            )  
  ) ss:  
COUNTY OF COLE            )

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying Staff Recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
SARA BUYAK

Subscribed and affirmed before me this 24<sup>th</sup> day of September 2009

  
\_\_\_\_\_  
NOTARY PUBLIC

CARLA K. SCHNIEDERS  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: August 25, 2012  
Commission Number: 08533187