

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

In the Matter of the Application of	)	
	)	
<b>MCC Telephony of Missouri, LLC.</b>	)	
	)	Case No. _____
for Waiver of Commission Rules	)	
and Statute	)	

**APPLICATION FOR WAIVER OF COMMISSION RULES AND STATUTE**

Comes now MCC Telephony of Missouri, LLC (“MCC Telephony”), by its undersigned counsel, and pursuant to Sections 392.245.5(8), 392.420, 4 CSR 240-2.060, 4 CSR 240-2.080 and 4 CSR 240-3.015, hereby applies to the Missouri Public Service Commission (hereinafter, “the Commission”) for an order that waives the following Commission rules and statutory provision:

4 CSR 240-3.550(4)  
4 CSR 240-3.550(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 392.300.1 RSMo.

MCC also requests the Commission approve MCC Telephony’s separately filed tariff revisions to reflect the requested waivers.

In support of this Application, MCC Telephony states as follows:

1. MCC Telephony is a Delaware limited liability company and is in good standing with the Missouri Secretary of State’s office. Attached as **Exhibit A** is a Certificate of Good Standing

from the Missouri Secretary of State. MCC Telephony was certificated by this Commission to provide basic local, local exchange, exchange access, and interexchange service in Missouri. See Case No. LA-2005-0150, Order dated May 5, 2005. On September 4, 2009, MCC Telephony filed a notice of name change and revised tariff cover sheet, with a proposed effective date of October 2009, to reflect its change in structure from a corporation to a limited liability company and a name change from MCC Telephony of Missouri, Inc., to MCC Telephony of Missouri, LLC.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Mark P. Johnson  
Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Telephone: (816) 460-2424  
Facsimile: (816) 531-7545  
Electronic mail: mjohnson@sonnenschein.com

3. MCC Telephony states that there are no pending actions or unsatisfied final judgments or decisions against it in any state or federal agency, or court, which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

4. MCC Telephony does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.

5. Under Section 392.245.5(8), RSMo, "... 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..." Section 392.420,

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 ..." Pursuant to those provisions, MCC Telephony seeks a Commission Order waiving the applicability of the following rules and statute:

- 4 CSR 240-3.550(4)) Telecommunications Company Records and Reports
- 4 CSR 240-3.550(5)(A) Telecommunications Company Records and Reports
- 4 CSR 240-32.060 Engineering and Maintenance Standards
- 4 CSR 240-32.070 Quality of Service
- 4 CSR 240-32.080 Service Objectives and Surveillance Levels
- 4 CSR 240-33.040(1) - (3) and (5) - (10) Billing and Payment Standards for Residential Customers
- 4 CSR 240-33.045 Requiring Clear Identification and Placement of Separately Identified Charges on Customer Bills
- 4 CSR 240-33.080(1) Disputes by Residential Customers
- 4 CSR 240-33.130(1) Operator Service
- 4 CSR 240-33.130(4) Operator Service
- 4 CSR 240-33.130(5) Operator Service

Section 392.300.1 RSMo.

6. Per 4 CSR 240-2.061(5), good cause for granting these waivers is provided by the finding of the Missouri General Assembly in HB 1779 that alternative local exchange companies should be relieved of certain regulatory requirements. As an alternative local exchange telecommunications company, MCC Telephony is entitled to waiver of the listed requirements.

7. MCC Telephony also requests the Commission approve the separately filed revised tariff to reflect the waivers granted herein. A specimen copy of the proposed revised tariff cover page is attached hereto as **Exhibit B**.

WHEREFORE, MCC Telephony respectfully requests that the Commission issue its order waiving the applicability of the following rules and statute to MCC Telephony's telecommunications services in Missouri:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3.550(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 392.300.1 RSMo.

and approve the separately filed tariff revision to reflect these waivers.

Respectfully submitted,

/s/ Mark P. Johnson  
Mark P. Johnson Mo. Bar # 30740  
mjohnson@sonnenschein.com  
Sonnenschein Nath & Rosenthal, LLP

4520 Main Street, Suite 1100  
Kansas City, Missouri 64111  
(816) 460-2545  
(816) 460-531-7545 (FAX)

ATTORNEYS FOR MCC TELEPHONY OF  
MISSOURI, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically, this 4th day of September, 2009, to:

Office of the Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-2230

General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-2230

/s/ Mark P. Johnson  
Attorney for MCC Telephony of Missouri, LLC.

**VERIFICATION**

STATE OF MISSOURI     )  
                                      ) ss.  
COUNTY OF JACKSON    )

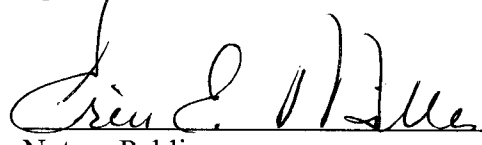
COMES NOW Mark Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1.     My name is Mark Johnson, and I am an attorney for MCC Telephony of Missouri, LLC ("Applicant"). In that capacity, I am authorized to verify the statements contained in the Application above, and the information contained therein, on behalf of Applicant.

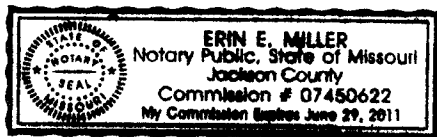
2.     The information contained in the above-described document is true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Mark Johnson

Subscribed and sworn to before me this 4<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



**EXHIBIT A**

**CERTIFICATE OF GOOD STANDING**

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**MCC TELEPHONY OF MISSOURI, LLC**

using in Missouri the name

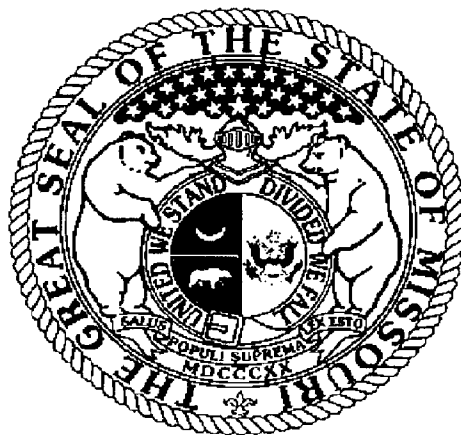
**MCC TELEPHONY OF MISSOURI, LLC  
FL0952856**

a DELAWARE entity was created under the laws of this State on the 5th day of March, 2009, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 31st day of August, 2009

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State





**EXHIBIT B**

**TARIFF REVISIONS**

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**MCC TELEPHONY OF MISSOURI, LLC  
VOICE EXCHANGE TARIFF**

Applying to Voice Services Provided  
Within the State of Missouri

MCC Telephony of Missouri, LLC, adopts this tariff. This tariff is on file with the Missouri Public Service Commission and copies may be inspected, during normal business hours, at MCC Telephony of Missouri, LLC's principal office in Missouri, located at 1533 South Enterprise Avenue, Springfield, MO 65804. The Missouri Public Service Commission has classified MCC Telephony of Missouri, LLC's services, and the company, as competitive.

Pursuant to Commission order in Docket No. \_\_\_\_\_, the following regulations and statute are waived for MCC Telephony of Missouri, LLC:

4 CSR 240-3.550(4)  
4 CSR 240-3.550(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)  
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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 392.300.1 RSMo.

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Issued: \_\_\_\_\_, 2009

Effective: \_\_\_\_\_, 2009

Mr. Calvin Craib, President  
MCC Telephony of Missouri, LLC  
100 Crystal Run Road  
Middletown, New York 10941