

**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. LO-2010-0083

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. In the attached Memorandum, labeled Appendix A, Staff 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.

4. 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 above referenced Commission Rules and statues to MCC Telephony of Missouri, LLC.

Respectfully submitted,

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

Attorney for the Staff of the
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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 24th day of September 2009.

/s/ Jaime N. Ott

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. LO-2010-0083
Company Name: MCC Telephony of Missouri, LLC (MCC)

From: Sara Buyak
Telecommunications Department

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

Subject: Staff Recommendation to Approve MCC's Request for Waivers

Date: September 24, 2009

On September 8, 2009, MCC filed a Petition For Waiver of Commission Rules and Statutes and tariff sheet, PSC Mo. No. 1, 2nd Revised Page 1, to exempt MCC from certain statutory requirements and Commission rules. The requested waivers and a brief description of each are as follows:

Commission Rules (4CSR 240 -)	Brief Description
3.550(4) and (5)(A)	Held order records, Quality of service reports.
32.060	Engineering and maintenance
32.070	Quality of Service
32.080	Service objectives and surveillance levels
33.040 (1) through (3) and (5) through (10)	Billing and payment standards
33.045	Clear identification and placement of charges on bills
33.080(1)	Toll-free number for billing disputes
33.130, sections (1), (4) and (5)	Operator service billing requirements

Missouri Statutes	Brief description of Commission's authority
392.300.1	Transfer of property and ownership of stock

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MCC requests the Commission grant the waivers 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 RSMo. The Telecommunications Department Staff (Staff) wishes to note that the waivers are the same as those previously granted by the Commission to other carriers.

The Staff is unaware of any other matter that may affect the matters in this case.

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

☐ The Company is delinquent: (☐ No annual report ☐ No USF ☐ No Relay

☐ Unpaid PSC assessment. Amount owed:)

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Commission Rules and Statutes.)

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 24th 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