

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

In the Matter of the Waiver of	)	
Certain Rules and Statutes to	)	<b>File No. TE-2012-0073</b>
Telecommunications Companies	)	

**NOTIFICATION OF ELECTION OF WAIVERS ON  
BEHALF OF THE WINDSTREAM COMPANIES**

COME NOW, Windstream Missouri, Inc., Windstream Iowa Communications, Inc., Windstream Communications, Inc., Windstream NuVox Missouri, Inc., Windstream KDL, Inc., Windstream Norlight, Inc., Windstream NTI, Inc., Paetec Communications, Inc., McLeodUSA Telecommunications Services, Inc., Talk America, Inc. (collectively, the “Windstream Companies”) and hereby notify the Missouri Public Service Commission (“Commission”) of their election to waive and be exempt from the application and enforcement of certain commission rules and statutes, pursuant to Sections 392.245.5(8), 392.420 and 392.461, RSMo. In addition, Windstream Missouri, Inc. also notifies the Commission of its election to waive and be exempt from the application and enforcement of subsections 1 and 4 of Section 392.245, RSMo, pursuant to Section 392.420, RSMo as amended by SB 237<sup>1</sup>.

**Background of the Windstream Companies**

1. Windstream Missouri, Inc., an incumbent local exchange telecommunications company, is a Missouri corporation authorized to provide local exchange telecommunications services pursuant to authority issued in Case Nos. TA-88-44, TM-2006-0272 and IN-2006-0481.

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<sup>1</sup> SB 237 was truly agreed to and finally passed by the 97<sup>th</sup> Missouri General Assembly on May 1, 2013; signed by the Governor on May 17, 2013; and became effective August 28, 2013.

2. Windstream Iowa Communications, Inc., an incumbent local exchange telecommunications company, is a Delaware corporation authorized to provide local exchange and interexchange telecommunications services pursuant to authority issued in Case No. IM-2010-0186.

3. Windstream Communications, Inc. is a Delaware corporation authorized to provide interexchange telecommunications services pursuant to authority issued in Case Nos. XA-2006-0271, TM-2006-0272 and TN-2006-0457.

4. Windstream NuVox Missouri, Inc. is a Delaware corporation authorized to provide local exchange and interexchange telecommunications services as reflected in Case No. TN-2010-0296.

5. Windstream KDL, Inc. is a Kentucky corporation authorized to provide local exchange and interexchange telecommunications services as reflected in Case No. TN-2011-0401.

6. Windstream Norlight, Inc. is a Kentucky corporation authorized to provide local exchange and interexchange telecommunications services as reflected in Case No. LN-2011-0403.

7. Windstream NTI, Inc. is a Wisconsin corporation authorized to provide interexchange telecommunications services as reflected in Case No. XN-2011-0402.

8. Paetec Communications, Inc. is a Delaware corporation authorized to provide local exchange telecommunications services pursuant to authority granted in Case No. CA-2005-0054, and interexchange telecommunications services pursuant to authority granted in Case No. TA-99-379.

9. McLeodUSA Telecommunications Services, LLC is an Iowa limited liability company authorized to provide local exchange telecommunications services pursuant to authority granted

in Case No. TA-98-288, and interexchange telecommunications services pursuant to authority granted in Case No. TO-98-39.

10. Talk America, Inc. is a Pennsylvania corporation authorized to provide local exchange telecommunications services pursuant to authority granted in Case No. TA-97-485, and interexchange telecommunications services pursuant to authority granted in Case No. TA-99-379.

11. None of the Windstream Companies have any pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court that involve Missouri retail customers service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Notification.

12. None of the Windstream Companies have any overdue annual reports or regulatory assessment fees in Missouri.

13. Each of the Windstream Companies may be contacted at the electronic mail address, facsimile and telephone numbers of its attorneys, as set out under the signature block of this Notification. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Cesar Caballero  
Senior Regulatory Counsel  
Windstream Communications  
4001 Rodney Parham Rd.  
Little Rock, Arkansas 72212  
Tel: (501) 748-7142  
Fax: (501) 748-5589  
Email: [cesar.caballero@windstream.com](mailto:cesar.caballero@windstream.com)

### **Election of Waivers**

14. Staff opened this case to allow telecommunications companies to file notifications of elections of waivers exercised pursuant to Sections 392.245.5(8), 392.420 and 392.461, as amended by HB 338.

15. Prior cases<sup>2</sup> along with the most recent annual reports submitted by companies adequately demonstrate that alternative local exchange telecommunications providers are authorized, and interconnected voice over Internet protocol service providers are registered, to provide service in the Windstream Missouri, Inc. and Windstream Iowa Communications, Inc. authorized service areas in conformance with Section 392.420, RSMo.

16. In accordance with Sections 392.245.5(8), 392.420 and 392.461 as amended by HB 338, each of the Windstream Companies hereby exercises its statutory right to elect to waive the applications and enforcement of the statutes and rules listed in Paragraph 4 of the Motion of the Staff of the Commission filed October 18, 2011 in File No. TE-2012-0073, to the extent not already waived for those entities.

17. In addition, and in accordance with Section 392.420, RSMo as amended by SB 237, Windstream Missouri, Inc. hereby exercises its statutory right to elect to waive the application and enforcement of subsections 1 and 4 of Section 392.245, to the extent not already waived.

18. Attached hereto and incorporated by reference is the affidavit of Timothy P. Loken, Director – Regulatory Reporting for Windstream Communications, which supports the election of waivers contained in this Notification.

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<sup>2</sup> Windstream Missouri, Inc. and Windstream Iowa Communications, Inc., in Case Nos. IE-2009-0100 and IE-2010-0183 respectively, previously waived some, but not all, of the rules and statutes allowed to be waived after the passage of HB 1779 in 2008.

WHEREFORE, each of the Windstream Companies hereby notifies the Commission of its election made pursuant to this Notification of Election, commencing on the date of this filing.

DATED: November 22, 2013

Respectfully submitted,

The Windstream Companies:

Windstream Missouri, Inc., Windstream Iowa  
Communications, Inc., Windstream  
Communications, Inc., Windstream NuVox  
Missouri, Inc., Windstream KDL, Inc., Windstream  
Norlight, Inc., Windstream NTI, Inc., Paetec  
Communications, Inc., McLeodUSA  
Telecommunications Services, Inc., Talk America,  
Inc.

By: /s/ Edward Cadieux

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic mail on this 22<sup>nd</sup> day of November, 2013, to:

Colleen M. Dale  
Senior Counsel  
Missouri Public Service Commission  
P.O. Box 360  
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cully.dale@psc.mo.gov

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