

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

In the Matter of the Application of)
Northeast Missouri Rural Telephone Company) Case No. _____
and Northeast Missouri Long Distance, L.L.C.)
for waiver of 4 CSR 240-33.150(4))

**APPLICATION FOR ORDER ACKNOWLEDGING WAIVER
OF COMMISSION RULE 4 CSR 240-33.150(4)
AND REQUEST FOR EXPEDITED TREATMENT**

COME NOW Northeast Missouri Rural Telephone Company (“NEMR” or Company) and NEMR’s wholly owned subsidiary Northeast Missouri Long Distance, L.L.C. (“NELD”) and for their request for an order acknowledging waiver of Commission Rule 4 CSR 240-33.150(4) state to the Missouri Public Service Commission (“Commission”) as follows:

INTRODUCTION AND SUMMARY

1. Currently, NEMR offers interexchange telecommunications to its Missouri customers through a wholly-owned affiliate – NELD. As of January 1, 2012, all long distance service will be provided by NEMR itself. NEMR has filed a tariff adoption notice and also notified the PSC records department of this transfer of the interexchange (IXC) certificate. (*See* Attachments A and B.) Both entities have waived the Missouri PSC statutes requiring approval of mergers, consolidations, reorganizations, and transfers. (*See* File Nos. IE-2009-0156 and TA-2000-42.) Accordingly, no prior PSC approval is required for this transfer.

2. NEMR is a Missouri corporation duly authorized and in good standing, with principal offices located at 718 S. West St., Green City, Missouri, 63545. A copy of NEMR’s Certificate of Good Standing from the Missouri Secretary of State was filed in Case No. TC-2011-0404, and a copy of NELD’s certificate was filed in Case No. TA-2000-42. These

certificates are incorporated herein by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G).

3. NEMR is a member-owned telephone cooperative, a “local exchange telecommunications company”, a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those terms is defined in Section 386.020, RSMo.

4. NELD is duly authorized to provide “interexchange” and “telecommunications” services within the State of Missouri as each of those terms is defined in Section 386.020.

5. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

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6. The companies have no pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

REQUEST FOR ORDER ACKNOWLEDGING NOTICE OF WAIVER

7. Although no Commission approval is required for this transaction, the PSC anti-slamming rule still contains language that would appear to require Commission approval. However, the Commission has granted a waiver of this rule under similar, if not identical circumstances. *See* Case No. XE-2011-0089, *Order Granting Waivers*, issued October 21,

2010(waiving 33.150(4) and transferring to member-owned telephone cooperative the IXC certificate of its wholly-owned affiliate).

8. Moreover, NEMR's requested waiver is also consistent with recently enacted legislation in Missouri, House Bill 338, which allows Missouri telecommunications companies to waive Commission Rule 33.150. *See* Case No. TE-2011-0073, *Staff Motion*, filed Oct. 18, 2011 (identifying Rule 33.150 as one of the rules allowed to be waived under HB 338).

9. Because NEMR is adopting the NELD IXC tariffs, all existing NELD IXC customers will continue to be served by the same personnel under the same rates, terms and conditions. This transfer should therefore be transparent to the cooperative's customers. Customers will continue to receive billing statements for both local and long distance service on one bill.

REQUEST FOR EXPEDITED TREATMENT

10. NEMR and NELD intend to complete the transfer of the IXC certificate on December 31, 2011, and therefore request approval on or before December 10, 2011. This will allow NEMR to transfer the IXC operations of its wholly-owned affiliate NELD by the end of the calendar year. There will be no negative effect on existing IXC customers or the general public because NELD's IXC customers will be served by NELD's parent company – NEMR – under the same rates, terms, and conditions. This pleading was filed as soon as it could have been.

WHEREFORE, the Company hereby requests that the Commission issue an order that: (1) acknowledges the waiver of 4 CSR 240-33.150(4) on or before December 10, 2011; (2) recognizes the transfer of the IXC certificate and adoption of NELD tariffs effective January 1, 2012; and (3) grants such other relief as is warranted under the circumstances.

Respectfully submitted,

/s/ **Brian T. McCartney**

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CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 17th day of November, 2011.

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/s/ **Brian T. McCartney**