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April 25, 2006

FILED⁴

APR 25 2006

**Missouri Public
Service Commission**

The Honorable Colleen M. Dale
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: MCC Telephony of Missouri, Inc.

Dear Judge Dale:

Enclosed for filing on behalf of MCC Telephony of Missouri, Inc. please find the original and five copies an Application for Waiver.

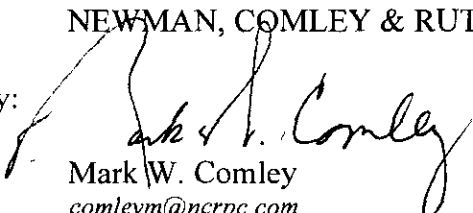
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Doug Nelson

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

APR 25 2006

In the Matter of the Application of)
MCC Telephony of Missouri, Inc.)
of Compliance with the Requirement)
of 4 CSR 240-32)

Missouri Public
Service Commission

Case No. _____

APPLICATION FOR WAIVER

Comes Now MCC Telephony of Missouri, Inc. ("MCC"), pursuant to 4 CSR 240-2.060(4), 4 CSR 240-3.015 and 4 CSR 240-32.080(5)(A)1., and in support of its application for temporary waiver of compliance with the requirements of 4 CSR 240-32.080(5)(A)1. respectfully states as follows:

1. MCC Telephony of Missouri, Inc. is a corporation organized and existing under and by virtue of the laws of the State of Delaware and is duly authorized to conduct business in Missouri. MCC has authority to offer and provide basic local non switched local and interexchange telecommunications services to customers in its certificated area in Missouri.

2. The principal place of business of MCC is:

100 Crystal Run Road
Middletown, NY 10491

3. Correspondence, communications, orders and decisions of the Commission in this matter should be sent to:

Mark W. Comley
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102
(573) 634-2266 Telephone
(573) 636-3306 Fax

Calvin Craib
President
MCC Telephony of Missouri, Inc.
100 Crystal Run Road
Middletown, NY 10941
Telephone (845) 695-2610
Facsimile (845) 695-2669

4. MCC has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. MCC has no annual reports or regulatory assessment fees that are overdue in Missouri.

5. MCC requests that the Commission grant it a waiver from 4 CSR 240-32.080(5)(A)1., which provides as follows:

Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition—

- A. Within five (5) working days after the customer ordered service; or
- B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

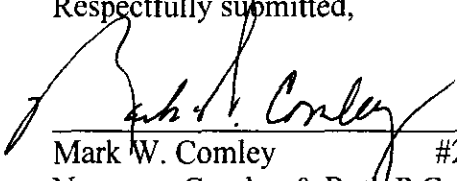
6. MCC seeks a waiver from the requirements of 4 CSR 32.080(5)(A)1. due to a unique situation beyond MCC's control. MCC has contracted with a CLEC partner, Sprint, to provide network interconnection, switching, numbering and other key inputs to MCC's service. Provisioning new customers' MCC service is a two step process; first, Sprint must provision the service on its network; then Mediacom must make a visit to the customer premise to install and initiate the service. Mediacom cannot control the first step in the process. For new telephone number installations, MCC believes it is reasonable to be held to a standard based on the portion of the process within its control. Specifically, MCC proposes that it be required to complete

90% of installs within three working days of the time Sprint completes provisioning. This would hold MCC to a standard that protects consumers from unreasonable installation delays but also accounts for the above factors affecting installation that are beyond MCC's control. Due to the wide variance in ILEC porting intervals, MCC seeks an exemption from including installations for ported numbers in the company's results. It has been our experience that many independent incumbent LECs have rather long porting intervals that jeopardize the ability of Sprint and Mediacom to meet service quality measurements for installation timeframes with respect to new customers seeking to port their existing numbers. Again, such intervals are beyond Mediacom's control.

7. In accordance with 4 CSR 240-2.060(4), 4 CSR 240-3.015 and 4 CSR 240-32.080(5)(A)1., MCC respectfully submits that good cause exists for granting the waiver as requested herein.

WHEREFORE, MCC Telephony of Missouri, Inc. respectfully requests that the Commission enter an order granting MCC a waiver of compliance from the provisions of 4 CSR 240-32.080(5)(A)1.

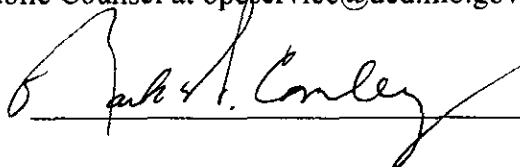
Respectfully submitted,


Mark W. Comley #28847
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P.O. Box 537
Jefferson City, MO 65102
573/634-2266
573/636-3306 FAX

ATTORNEY FOR APPLICANT
MCC Telephony of Missouri, Inc.

CERTIFICATE OF SERVICE

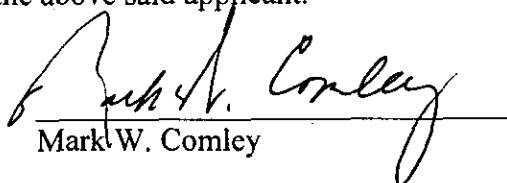
I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 25th day of April, 2006, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.



ATTORNEY VERIFICATION

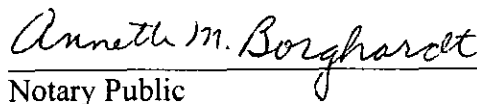
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for MCC Telephony of Missouri, Inc., applicant in this proceeding; that I have read the above and foregoing Application for Waiver and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.



Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 25th day of April, 2006.



Notary Public

