

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	
Paetec Communications, Inc.)	File No.
for Waiver of Certain Commission)	
Rules and Statutes.)	

**APPLICATION OF PAETEC COMMUNICATIONS, INC.
FOR WAIVER OF CERTAIN COMMISSION RULES AND STATUTES**

COMES NOW Paetec Communications, Inc. ("Paetec"), by its undersigned Counsel, pursuant to Section 392.420 R.S.Mo. and 4 CSR 240-2.060, and hereby requests that the Missouri Public Service Commission ("Commission") issue an order waiving certain Commission rules and statutes.

In support of its application Paetec states to the Commission as follows:

1. Name and Address: Applicant's legal name is Paetec Communications, Inc.

Paetec maintains its principal place of business at:

12400 Olive Blvd., Suite 430
St. Louis, Missouri 63141
Telephone Number: 636-537-5743
Facsimile: 330-486-3690

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to this Application should be directed to:

Edward J. Cadieux
Director/Regulatory Counsel
12400 Olive Blvd., Suite 430
Saint Louis, Missouri 63141
Telephone: (636) 537-5743
Facsimile: (330) 486-3690
email: Edward.Cadieux@windstream.com

3. Corporate Structure: Paetec is a Delaware corporation authorized to conduct business within the State of Missouri. A copy of its Certificate of Good Standing is attached hereto and incorporated herein by reference as **Exhibit 1**. Further, Paetec is a Competitive Local Exchange Carrier ("CLEC") authorized by the Commission to provide basic local exchange services and long distance.

4. Classification of Services as Competitive: By previous orders the Commission has classified Paetec and its services as competitive.

5. Waiver of Rules and Statutes: The Commission has previously waived certain statutes and regulations as to Paetec, but because of the passage of time, the list is not as comprehensive as would be consistent with current Commission practices. Pursuant to Section 392.420 R.S.Mo. [see also Section 392.245.5(8), which provides good cause for this request], Paetec requests that the following statutes and regulations be waived:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4) and (5)(A)
392.240.1	4 CSR 240-10.020
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.060
392.290	4 CSR 240-32.070
392.300	4 CSR 240-32.080
392.310	4 CSR 240-33-.040 [except subsection (4)]
392.320	4 CSR 240-33.045
392.330	4 CSR 240-33.080(1)
392.340	4 CSR 240.33.130(1), (4) and (5)

In addition to the waiver of the aforesaid rules and statutes, Paetec further requests that the Commission waive rule 4 CSR 240-32.050(4)(B) to the extent that it approved wavier of said Rule in connection with Southwestern Bell Telephone Company d/b/a AT&T Missouri's

Application for Waiver of the General Distribution Requirement of White Pages Directories

Under Rule 4 CSR-32.050(4)(B) (File No. IE-2009-0357). No public utility will be affected by the requested wavier of these statutes and regulations.

6. Pending Actions: Paetec does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

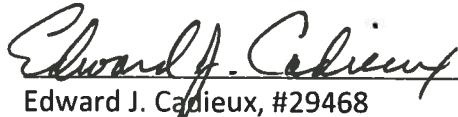
7. Compliance with Orders and Regulations: Paetec will comply with all applicable orders and regulations of the Commission.

8. Annual Reports and Fees: Paetec does not have any overdue annual reports or assessment fees.

9. Exemption from Rule 4.020(2) Advance Notice Requirement: Based on the course of prior similar applications, Paetec does not anticipate that this matter will be a contested case. However, in the alternative Paetec requests a waiver of the 60-day advance notice requirement of Rule 4.020(2) for good cause on the grounds that the purpose of such notice requirement will not likely have any bearing on this proceeding, as no advance communications with the Commission are likely to occur.

WHEREFORE, Paetec respectfully requests that the Commission issue an Order to grant waiver of the identified statutes and regulations, including a waiver of 4 CSR 240-32.050(4)(B) to the extent it granted such waiver to AT&T Missouri in File No. IE-2009-0357, and grant such other and further relief to Paetec as the Commission deems meet and proper.

Respectfully submitted,

A handwritten signature in black ink, reading "Edward J. Cadieux". The signature is fluid and cursive, with the first name "Edward" and last name "Cadieux" clearly legible.

Edward J. Cadieux, #29468

Director/Regulatory Counsel

Windstream Communications, Inc.

12400 Olive Blvd., Suite 430

Saint Louis, Missouri 63141

Telephone: (636) 537-5743

Facsimile: (330) 486-3690

Email: Edward.Cadieux@windstream.com

Attorney for Paetec Communications, Inc.

VERIFICATION

STATE OF ARKANSAS)
) SS.
COUNTY OF PULASKI)

I, Cesar Caballero, being first duly sworn, depose and state that I am over the age of 21 years, sound of mind, and the Vice President – Regulatory Strategy - Government Affairs for Paetec Communications, Inc., the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of Paetec Communications, Inc., that I have read the foregoing application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Edward J. Cadieux, is authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Paetec Communications, Inc., in this proceeding.

Cesar Ceballos

Name/Title: Cesar Caballero
VP – Regulatory Strategy-Gov. Affairs
Paetec Communications, Inc.

Subscribed and sworn to before this 21st day of May, 2012.



Sandra Jean Guffin
Notary Public

My Commission Expires: 9/1/21

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 21st day of May, 2012, by either e-mail or U.S. Mail, postage prepaid.



Edward J. Cadieux

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

EXHIBIT 1

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

PAETEC COMMUNICATIONS, INC.

using in Missouri the name

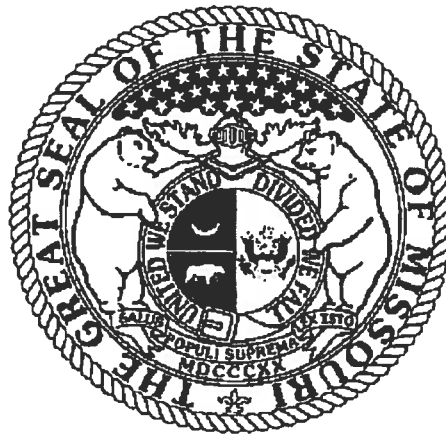
**PAETEC COMMUNICATIONS, INC.
F00457323**

a DELAWARE entity was created under the laws of this State on the 24th day of June, 1998, 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 15th day of May, 2012

A handwritten signature of Robin Carnahan in cursive script.

Secretary of State



Certification Number: 14684615-1 Reference:
Verify this certificate online at <https://www.sos.mo.gov/businessentity/soskb/verify.asp>