

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

In The Matter of the Petition for)	
Waivers of Certain Rules and Statutes)	
On Behalf of Windstream)	Case No. XO-2010-0040
Communications, Inc.)	

RESPONSE TO OFFICE OF PUBLIC COUNSEL’S SUGGESTIONS

COMES NOW Windstream Communications, Inc. (“WCI”), pursuant to the Missouri Public Service Commission’s (“Commission”) *Order To File Response* issued in this matter on August 12, 2009, and respectfully files its Response to Office of Public Counsel’s Suggestions (“Response”).

1. On July 28, 2009, WCI (an interexchange carrier) petitioned the Commission for a waiver of the application and enforcement of certain rules and statutes not previously waived on WCI’s behalf by the Commission, pursuant to Sections 392.185, 392.361.5 and 392.420, RSMo. as amended by HB 1779. As noted in its petition, the subject rules and statutes are limited to those which are no longer applicable to other telecommunications companies by virtue of their having elected to waive the application and enforcement of these rules and statutes, in each case with Staff’s support.

2. On August 11, 2009, the Office of the Public Counsel (“Public Counsel”) filed Office of the Public Counsel Suggestions (“Suggestions”) in this matter, observing that WCI appears to have the statutory grounds for relief under HB 1779 and suggesting “that if the requested relief is granted that the Commission still exercise its residual powers and duties regarding telecommunications and public utilities by providing for the

retention and authorized access to company records that can assist the Commission determine the status of telecommunications in Missouri.”¹ (Suggestions, page 1).

3. On August 12, 2009, the Commission issues its *Order To File Response*, ordering “[t]hat no later than August 24, 2009, Windstream and the Commission’s staff shall file a response to the Public Counsel Suggestion.” The Order further directed that the Commission’s Staff could include such response with its recommendation due that same date, or file the response separately, or file a joint response with Windstream.

4. The Commission Staff filed its Staff Recommendation and Response To Public Counsel (“Staff Recommendation”) on August 18, 2009, wherein the Staff “recommends that the Commission grant the Company the waivers requested in its Petition and either approve its accompanying tariff revisions or allow them to go into effect by operation of law.” (Staff Recommendation, page 2.) The Staff Recommendation states that the specific waivers requested by Company are consistent with those listed in HB 1779, and in the Memorandum, labeled Appendix A to the Recommendation, the Staff notes “that the waivers are the same as those previously granted by the Commission to other carriers such as Case No. XE-2009-0308.”² Addressing Public Counsel’s Suggestions, the Staff recites the Commission’s retention of authority and states that these waivers do not relieve the Company of any reporting or other obligations that arise from a source other than the waived rules or statutory provisions.

¹ Public Counsel also “incorporates its Suggestions filed *In the Matter of the Request of CenturyTel of Missouri, LLC and Embarras Missouri, Inc. for Relief from Submission of Surveillance Data Reports*, Case No. TO-2010-0042 as its suggestions in this case.” (Suggestion, page 1.)

² Memorandum, page 2 of 2. Case No. XE-2009-0308 involved the AT&T Long Distance interexchange carriers, as fully described in WCI’s petition.

6. WCI respectfully states that there appears to be no disagreement among WCI, Staff and Public Counsel regarding the granting of WCI's requested relief herein. While Public Counsel may wish to express its public policy concerns of broad, general applicability, such expressions need not, and should not, interfere with the granting of the specific, limited relief sought in this HB 1779 waiver petition – relief previously and consistently afforded to numerous carriers by this Commission.

WHEREFORE, for the reasons stated in its initial Petition, the Staff Recommendation and this Response, Windstream Communications, Inc. respectfully petitions the Commission for a waiver of the application and enforcement of certain rules and statutes not previously waived on WCI's behalf by the Commission, and further requests that the Commission either approve its accompanying tariff revisions or allow them to go into effect by operation of law.

Respectfully submitted,

/s/ Larry W. Dority

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of August, 2009, a copy of the above and foregoing document was served via electronic mail, facsimile or U.S. Mail, postage prepaid to each of the following:

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/s/ Larry W. Dority

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