

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

In the Matter of the Application of)	
Inmate Calling Solutions, LLC)	
d/b/a ICSolutions)	Case No. XE-2011-0065
for Waiver of Commission Rules)	
and Statutes)	

APPLICATION FOR WAIVER OF COMMISSION RULES AND STATUTES

COMES NOW Inmate Calling Solutions, LLC d/b/a ICSolutions ("Applicant"), by its undersigned counsel, and pursuant to Sections 392.245.5(8), 392.420, 4 CSR 240-2.060, 4 CSR 240-2.080 and 4 CSR 240-3.015, hereby applies to the Missouri Public Service Commission (hereinafter, "the Commission") for an order that waives certain Commission rules and statutory provisions as set forth in this Application. Upon approval, the appropriate tariff revisions will be filed to reflect the requested waivers. In support of its application, Applicant states as follows:

1. Applicant Inmate Calling Solutions, LLC d/b/a ICSolutions is a California Limited Liability Company whose principal place of business is located at 2200 Danbury Street, San Antonio, TX 78217. Its Telephone Number is (210) 581-8104. The character of Applicant's business is telecommunications. ICS provides automated operator assisted calling services for inmates and other incarcerated persons in correctional facilities in Missouri. Applicant was certificated to provide interexchange calling services in the State of Missouri effective May 2, 2004 pursuant to an order issued in Case No. XA-2004-0478. Applicant's name change (fictitious name, or "d/b/a") was recognized by the Commission in its *Order Recognizing Change of Corporate Name and Approving Tariff* issued on April 24, 2007 (effective May 5, 2007) in Case No. XN-2007-0376. Pursuant to 4 CSR 240-2.060(1)(C), a Certificate of Good Standing to transact business in Missouri, issued by the Missouri Secretary of State, was attached

to the Application in Case No. XA-2004-0478, and is hereby incorporated by reference herein pursuant to 4 CSR 240-2.060(1) (G). Documentation of Applicant's registration of its fictitious name with the Missouri Secretary of State was presented to the Commission in Case No. XN-2007-0376, and is also hereby incorporated by reference herein. Evidence of Applicant's continued good standing with the Missouri Secretary of State is attached hereto as **Exhibit A**.

2. All communications, notices, orders and decisions concerning this Application should be addressed to:

William D. Steinmeier
William D. Steinmeier, P.C.
2031 Tower Drive (ZP 65109)
P.O. Box 104595
Jefferson City, MO 65110-4595
Telephone: 573-659-8672
Fax: 573-636-2305
Email: wds@wdspsc.com.

3. Under Section 392.245.5(8), RSMo, "... all alternative local exchange telecommunications companies shall not be required to comply with customer billing rules, network engineering and maintenance rules, and rules requiring the recording and submitting of service objectives or surveillance levels established by the commission ..." Section 392.420, RSMo, provides that "... for all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340." Pursuant to these provisions, Applicant seeks a Commission Order waiving the applicability of the following rules and statutes:

COMMISSION RULES

- 4 CSR 240-3.550 (4), (5)(A) Held order records, quality of service reports
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.060 Engineering and maintenance
- 4 CSR 240-32.070 Quality of Service
- 4 CSR 240-32.080 Service objectives and surveillance levels
- 4 CSR 240-33.040(1-3) and (5-10) Billing and payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.080(1) Identify company name and toll-free number on bills
- 4 CSR 240-33.130(1), (4) and (5) Operator service requirements

STATUTES

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
- 392.340 Company reorganization

4. Good cause exists for granting these waivers pursuant to HB 1779, enacted by the Missouri General Assembly in 2008, which states that alternative local exchange companies should be relieved of certain regulatory requirements. On that basis, Applicant respectfully submits that it is entitled to waiver of the listed requirements. No public utility will be affected by the requested waiver of these statutes and regulations.

5. Applicant will comply with all applicable orders and regulations of the Commission.

6. Following approval, Applicant will submit a revised tariff to reflect the waivers granted herein.

7. No actions or final unsatisfied judgments or decisions against Applicant are pending with any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

8. Applicant does not have any overdue annual reports or assessment fees.

9. Applicant acknowledges that 4 CSR 240-4.020 (2) requires any regulated entity to give 60-days' notice prior to filing any case "likely to be a contested case." 4 CSR 240-4.020 (2) (B) provides that a party may request a waiver of that section for good cause. Applicant hereby requests a waiver of the 60-day notice requirement because: (1) this application is unlikely to result in a hearing; (2) the typical non-contested nature of this type of application provides good cause for waiving the requirement; and (3) no communication has occurred with the Commission within the scope of 4 CSR 240-4 prior to the filing of this Application.

WHEREFORE, Inmate Calling Solutions, LLC d/b/a ICSolutions respectfully requests that the Commission issue an Order to grant waiver of the identified rules and statutes, grant a waiver of 4 CSR 240-4.020 (2) if deemed applicable, and grant such other and further relief to Inmate Calling Solutions, LLC d/b/a ICSolutions as the Commission deems just and proper.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR INMATE CALLING
SOLUTIONS, LLC D/B/A ICSOLUTIONS

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at opcservice@ded.mo.gov and on the General Counsel's office at gencounsel@psc.mo.gov this 3rd day of September 2010.

/s/ William D. Steinmeier

William D. Steinmeier

VERIFICATION

I, Michael R. Smith, hereby declare under penalty of perjury, that I am President of Inmate Calling Solutions, LLC d/b/a ICSolutions ("ICS"); that I am authorized to make this verification on behalf of ICS; that I have read the foregoing Application; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



Michael R. Smith, President
Inmate Calling Solutions, LLC d/b/a ICSolutions

Sworn to and subscribed before me this 20th day of August, 2010.



Notary Public

My Commission expires:

6/21/14



**Inmate Calling Solutions, LLC
d/b/a ICSolutions**

Exhibit A

Evidence of Continued Good Standing

Missouri Secretary of State, Robin Carnahan

SOS Home :: Business Services :: Business Entity Search

- Search
 - By Business Name
 - By Charter Number
 - By Registered Agent
 - For New Corporations
- Verify
 - Verify Certification
- Registration Report
 - File Online
- File Fictitious Name Registration
 - File Online
- Renew Online
 - File LLC Registration
- File Online
 - Online Orders
- Register for Online Orders
 - Order Good Standing
 - Order Certified Documents

Filed Documents

Date: 9/1/2010 (Click above to view filed documents that are available.)

Business Name History

Name	Name Type
INMATE CALLING SOLUTIONS, LLC	Legal

Limited Liability Company - Foreign - Information

Charter Number:	FL0547025
Status:	Active
Entity Creation Date:	10/10/2003
State of Business.:	CA
Expiration Date:	Perpetual

Registered Agent

Agent Name:	NATIONAL REGISTERED AGENTS, INC.
Office Address:	300-B EAST HIGH STREET JEFFERSON CITY MO 65101
Mailing Address:	

600 West Main Street
Jefferson City, MO 65101