

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

In the Matter of the Application of MCC Telephony)
of Missouri, Inc., for Waiver of Compliance with) Case No. TE-2006-0415
the Requirements of 4 CSR 240-32.)

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. MCC Telephony of Missouri, Inc., filed an application with the Commission requesting a waiver of compliance with the requirements of 4 CSR 240-32.080 (5) (A) 1 related to time standards for installation of service. This rule provides, in part:

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service –

1. 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.

MCC claims an inability to meet this standard due to two factors: (1) MCC has contracted with Sprint, the CLEC, to provide network interconnection, switching, numbering and other key inputs to MCC’s service; and the contract does not require Sprint to meet this standard; and (2) ILEC’s long porting intervals jeopardize MCC’s ability to meet this standard.

2. Commission Rule 4 CSR 240-32.010(2) authorizes, for good cause, an application for temporary or permanent exemption from the requirements of a rule in Chapter 32.

3. In the attached Memorandum, labeled Appendix A, the Staff offers its primary recommendation and an alternate recommendation. The Staff’s primary recommendation is for

the Commission to delay issuing a decision in this case. The Staff recommends that the Commission open a case to consider whether to make revisions to the quality of service rules applicable to all telecommunications companies in lieu of considering a waiver solely for MCC. If the Commission prefers to not delay issuing a decision in this case, the Staff's alternate recommendation is for the Commission to deny MCC's request because MCC has not demonstrated good cause for a waiver.

WHEREFORE, the Staff recommends the Commission open a case to consider whether to make revisions to the Chapter 32 quality of service rules.

Respectfully submitted,

/s/ William K. Haas

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 11th day of July 2006.

/s/ William K. Haas