

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Budget PrePay, Inc.,) File No. TE-2010-0214
for Waiver of Certain Commission Rules and Statutes.)

ORDER GRANTING WAIVERS

Issue Date: February 2, 2010

Effective Date: February 2, 2010

On August 28, 2008, House Bill 1779 became effective, modifying Section 392.420, RSMo 2000, so that it now provides, in pertinent part:

[F]or 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.

On January 18, 2010, Budget PrePay, Inc., filed an application with the Missouri Public Service Commission for waiver of certain Commission rules and statutory provisions pursuant to Section 392.420, RSMo.

On January 28, 2010, the Commission Staff submitted its recommendation. Staff noted that:

1. Budget PrePay is an alternative local exchange telecommunications company as that term is used in Section 392.420.
2. Budget PrePay is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of annual reports.

The waivers requested by Budget PrePay are:

- 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 CSR 240-3.550(4), (5)(A), and 5(C) – Held order records, quality of service reports.
- 4 CSR 240 240-10.020 – Income on depreciation fund investments
- 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) through (3) and (5) through (10) – Billing and payment standards
- 4 CSR 240-33.045 – Clear identification and placement of charges on bills
- 4 CSR 240-33.080(1) – Toll-free number for billing disputes
- 4 CSR 240-33.130(1), (4), and (5) – Operator service billing requirements
- 4 CSR 240-32.050(4)(B) – Limited White Pages waiver to the extent provided in File No. IE-2009-0357

Staff recommends that the Commission grant Budget PrePay the waivers it requests.

In addition to the waivers required to be granted by Section 392.420, Budget PrePay has requested a waiver of 4 CSR 240-32.050(4)(B) to the extent previously provided to other carriers in File No. IE-2009-0357. The Commission finds that good cause exists to grant a partial waiver of the rule to the same extent granted to other carriers in File No. IE-2009-0357

THE COMMISSION ORDERS THAT:

1. Budget PrePay, Inc.'s Application for Waiver of Certain Commission Rules and Statutes is granted.
2. Budget PrePay is directed to list the waivers granted in its tariffs no later than February 22, 2010.
3. This order shall become effective upon issuance, after which this case may be closed.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of February, 2010.