

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
August, 2009.

In the Matter of the Application of YourTel)	
America, Inc. for Waiver of Commission)	<u>File No. TE-2010-0050</u>
Rules and Statute)	Tariff No. YC-2010-0074

ORDER GRANTING WAIVERS AND APPROVING TARIFF SHEET

Issue Date: August 26, 2009

Effective Date: September 2, 2009

On August 3, 2009¹, YourTel America, Inc. (hereafter “YourTel”) asked the Commission for a waiver from several Commission rules and a statute. YourTel also filed a tariff, effective September 2, listing the requested rules and statute in its List of Waived Statutes and Regulations.

The following is a brief description of what YourTel asks the Commission to waive.

- Section 392.300.1 – Transfer of property and ownership of stock
- 4 CSR 240-3.550(4), (5)(A) – Held order records, quality of service reports
- 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), (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) – Toll-free number for billing disputes
- 4 CSR 240-33.130(1), (4), (5) – Operator service billing requirements

On August 11, the Office of the Public Counsel (hereafter “OPC”) filed suggestions. OPC does not object to the Commission granting YourTel’s application, but requests the Commission to “exercise its residual powers and duties . . . by providing for the retention

¹ Unless otherwise noted, all calendar references are to 2009.

and authorized access to company records that can assist the Commission determine the status of telecommunications in Missouri.”

On August 19, Staff filed its recommendation. Staff states that Section 392.245.5(8), as amended by H.B. 1779, allows the Commission to grant YourTel the requested waivers. Staff further agrees with OPC’s assertion that the waivers do not relieve YourTel of any reporting or other obligations that arise from a source other than the waived rules or statutory provisions.

Section 392.245.5(8) states that 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 establish by the Commission. Section 392.420 allows the Commission to grant waivers of its rules and of certain statutes if the waiver is consistent with other provisions of Sections 392.361 to 392.520 and the purposes of Chapter 392 RSMo. Section 392.361 also allows the Commission to waive its rules, but also permits the Commission to reinstate those rules if the lessened regulation is no longer in the public interest or consistent with the provisions of Chapter 392.

The Commission has reviewed the verified application, OPC’s suggestions and Staff’s verified recommendation, which are hereby admitted into evidence. YourTel is an alternative local exchange telecommunications company and is thus entitled to its requested waivers. The Commission will grant the application, subject to the record-keeping request from OPC and concurred in by Staff, and will approve the tariff.

THE COMMISSION ORDERS THAT:

1. The Application for Waiver of Commission Rules and Statute filed by YourTel America, Inc., is approved.

2. The Commission waives the following statute and Commission rules:

Section 392.300.1 – Transfer of property and ownership of stock
4 CSR 240-3.550(4), (5)(A) – Held order records, quality of service reports
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), (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) – Toll-free number for billing disputes
4 CSR 240-33.130(1), (4), (5) – Operator service billing requirements

3. The Commission approves the following tariff sheet to become effective on September 2, 2009:

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4. YourTel America, Inc., is not relieved of any reporting or other obligations that arise from a source other than the waived rules or statutory provision.

5. YourTel America, Inc., shall retain records so that the Office of the Public Counsel and the Staff of the Commission can monitor whether Section 392.361 may require the Commission to reinstate the waived reporting obligations.

6. This order shall become effective on September 2, 2009.
7. This case shall be closed on September 3, 2009.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge