

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

In the Matter of the Notice of Election for	)	
Waiver of Commission Rules and Statutes	)	File No. TE-2011-0160
Pursuant to Section 392.420, RSMo,	)	
as Amended by HB 1779	)	

STAFF RECOMMENDATION

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

1. On September 20, 2010, Lathrop Telephone Company (“the Company”) filed notification with the Missouri Public Service Commission that it elected the waiver of a statutory provisions pursuant to §392.420 RSMo Supp 2008.

2. Section 392.420 RSMo Supp 2008 states in relevant part:

In the case of an application for certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and 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. Notwithstanding any other provision of law in this chapter and chapter 386, RSMo, where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected.

3. The Company is an incumbent local exchange telecommunications company as that term is used in Section 392.420. The Staff’s position is that prior Commission cases, along with the most recent annual reports submitted by companies, adequately demonstrate that alternative local exchange telecommunications companies are authorized to provide service in the Company’s territory.

4. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

5. In the attached Memorandum, labeled Appendix A, the Staff recommends the Commission grant the following waivers:

- 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 Disposition of proceeds of sales of stocks, bonds, notes, and other indebtedness
- 392.340 Reorganization

WHEREFORE, Staff recommends that the Commission acknowledge the Company's election of the waiver and require it to file revised tariff pages that designate the statute waived.

Respectfully submitted,



Colleen M. Dale
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Attorney for the Staff of the
Missouri Public Service Commission
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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 15th day of December, 2010.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TE-2011-0160
Company Name: Lathrop Telephone Company

From: Lisa Mahaney
Telecommunications Department

William Voight 12/9/10
Utility Operations Division/Date

Subject: Request for Waivers

Date: 12/9/10

Lathrop Telephone Company (Company), an incumbent local exchange telecommunications service provider, filed a Notice of Election for Waiver of Commission Statutes pursuant to Section 392.420, RSMo, as amended by House Bill 1779, effective August 28, 2008. The Commission Staff (Staff) has no objections to the requested waivers identified in the filing.

Company requests the Commission waive the following:

STATUTES

392.290
392.300
392.310
392.320
392.330
392.340

Staff recommends the Commission grant to Company all of the waivers listed above, and that the Commission should direct Company to file a tariff sheet to list these waivers in its tariff.

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
☐ The Company is delinquent: (☐ No annual report ☐ Unpaid PSC assessment.
Amount owed:)

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HB 1779)

Case No. TE-2011-0160

AFFIDAVIT OF LISA MAHANEY

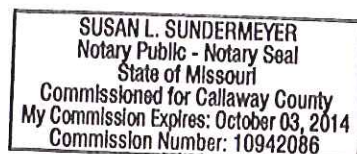
STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



LISA MAHANEY

Subscribed and affirmed before me this 9th day of December 2010.





NOTARY PUBLIC