

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

In The Matter of the Notice of Election of)
Windstream Missouri, Inc. for Waiver of)
Commission Rules and Statutes Pursuant to)
Section 392.420, RSMo., as amended by)
HB 1779.)

Case No. _____

**WINDSTREAM MISSOURI, INC.'S NOTICE OF ELECTION
FOR WAIVER OF COMMISSION RULES AND STATUTES**

COMES NOW Windstream Missouri, Inc. ("Windstream"), pursuant to Section 392.420, RSMo, Cum. Supp. 2007¹, and hereby notifies the Missouri Public Service Commission ("Commission") of its election for waiver of certain Commission rules and statutory provisions. In support of its Notice of Election, Windstream respectfully states as follows:

1. Windstream Missouri, Inc. is a Missouri corporation duly authorized to conduct business in Missouri, with its principal office located at 4001 Rodney Parham Road, Little Rock, Arkansas 72212. Copies of Windstream's Certificate of Amendment from the Missouri Secretary of State were filed in Case No. IN-2006-0481, and are incorporated herein by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G). Windstream is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those terms is defined in Section 386.020, RSMo. 2000².

2. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

¹ All statutory references to Section 392.420, RSMo, refer to the revised statute pursuant to House Bill 1779 ("HB 1779"), effective August 28, 2008.

² Section 386.020, RSMo, as revised by House Bill 1779, effective August 28, 2008.

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3. Windstream has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

4. Section 392.420, RSMo, 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.** In addition, where an interconnected voice over Internet protocol service provider is registered to provide service in an incumbent local exchange telecommunications company's authorized service area under section 392.550, 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. (emphasis added).

5. Under Section 392.420, RSMo, where there is an alternative local exchange telecommunications company 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 the statutory and commission rule waivers. Windstream respectively submits that numerous alternative local exchange telecommunications companies are authorized to provide local exchange telecommunications services in Windstream's authorized service area.

6. The Commission has found in numerous cases that alternative local exchange telecommunications companies are authorized to provide local exchange telecommunications services in Windstream's exchanges. Following is a partial list of such alternative local exchange telecommunications companies, including the case number in which the Commission authorized such companies to provide local exchange telecommunications service in Windstream's (f/k/a Alltel Missouri, Inc.³) authorized service area⁴:

- a. Aurora Communications, Inc. obtained a certificate to provide basic local telecommunications services on January 22, 2007, in Case No. CA-2007-0175.
- b. Granite Telecommunications, LLC obtained a certificate to provide basic local telecommunications services on May 11, 2006, in Case No. TA-2006-0382.

³ See, Order Approving Stipulation and Agreement issued April 25, 2006 in Case No. TM-2006-0272, and Order Recognizing Name Change issued July 12, 2006 in Case No. IN-2006-0481.

⁴ Windstream would note that, as contained in the Commission's Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene dated September 9, 2008, Fidelity Communications Services, I, Inc. "seeks to expand authority to offer and provide basic local telecommunications service on a facilities-based and resold bases to customers throughout all the exchanges currently served by AT&T Missouri and Windstream Communications, Inc." (Case No. TA-2009-0069). Also contained in that same Notice is the request of MCImetro Access Transmission Services d/b/a Verizon Access Transmission to expand its certificate of authority to provide basic local service to include all exchanges in the State of Missouri. (Case No. TA-2009-0083).

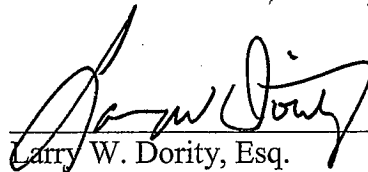
c. Tele-Reconnect, Inc. obtained a certificate to provide basic local telecommunications services on October 15, 2003, in Case No. CA-2004-0088.

d. The Phone Connection, Inc. d/b/a Affordable Phone Company obtained a certificate to provide basic local telecommunications services on July 2, 2002, in Case No. TA-2002-367.

7. Windstream hereby exercises its statutory right to elect to opt into the waiver of the application and enforcement of quality of service and billing standards rules and the statutory sections listed in §392.420, RSMo. By opting into the waivers contained in this Notice of Election, Windstream does not waive any right or opportunity to seek additional waivers in the future. The specific rules and state statutes to be waived are listed in Attachment A and incorporated herein by reference.

WHEREFORE, Windstream Missouri, Inc. hereby provides the Commission with written notice of its election to opt into waivers of certain rules and statutes pursuant to Section 392.420, RSMo, commencing on the date of this filing.

Respectfully submitted,



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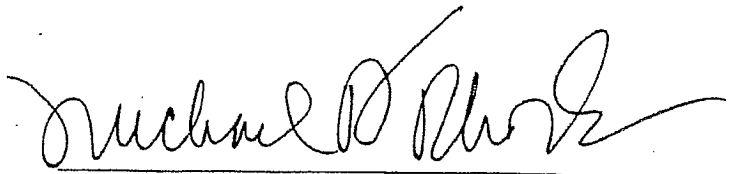
Attorneys for Windstream Missouri, Inc.

Dated: September 17, 2008

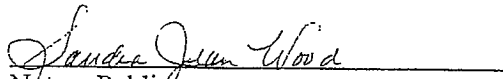
VERIFICATION

STATE OF ARKANSAS)
) ss
COUNTY OF PULASKI)

I, Michael D. Rhoda, Senior Vice President of Governmental Affairs for Windstream Missouri, Inc., hereby verify and affirm that I have read the foregoing Notice of Election for Waiver of Commission Rules and Statutes, and that the statements contained therein are true and correct to the best of my information and belief.



Subscribed and sworn to before me on this 16th day of September, 2008.



Notary Public

My Appointment Expires:

September 1, 2011



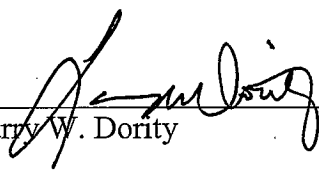
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of September, 2008, a copy of the above and foregoing document was served via electronic mail, facsimile or U.S.

Mail, postage prepaid to each of the following:

Kevin Thompson
General Counsel
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Larry W. Dority

ATTACHMENT A

Commission Rules To Be Waived:

- 4 CSR 240-3.550 (4) and (5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040 with the exception of subsection (4) which will remain in effect
- 4 CSR 240-33.045

Statutory Sections To Be Waived:

Subsection 2 of Section 392.210, RSMo.

Subsection 1 of Section 392.240, RSMo.

Sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340, RSMo.