

**FILED**

**APR 15 2005**

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

**Missouri Public  
Service Commission**

In the matter of the Petition of )  
**Consolidated Communications Network** )  
**Services Inc.** for a Waiver of )  
Portions of Rule 4 CSR 240-31.065 ) Case No.  
Requiring a Billing Surcharge for the )  
Universal Service Fund Assessment )

**APPLICATION FOR RULE WAIVER  
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW **Consolidated Communications Network Services Inc.** ("CCNS" or "Applicant"), pursuant to 4 CSR 240-2.060(14), and requests a waiver of Rule 4 CSR 240-31.065 regarding the requirement to bill the Missouri Universal Service Fund assessment as a separate surcharge on customer bills. In addition, Applicant, pursuant to 4 CSR 240-2.080(16), that the application be approved on an expedited basis.

In support of this Application for Rule Waiver, CCNS provides the following:

1. CCNS is a certified long distance carrier in Missouri. Its principal office is located at:  
  
Consolidated Communications Network Services, Inc.  
121 South 17th Street  
Mattoon, IL 61938
2. Applicant received authority to provide telecommunications services in Missouri on August 13, 2003, in Case No. XA-2004-0020. Applicant's Certificate to Transact Business As A Foreign Corporation was filed in Case No. XA-2004-0020, and is incorporated herein by reference.
3. CCNS does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application. CCNS does not, to the best of its

knowledge, have any overdue annual reports or assessment fees.

4. All communications, correspondence and pleadings in regard to this application should be directed to:

James M. Fischer, Esq.  
Larry W. Dority, Esq.  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Tel: (573) 636-6758  
Fax: (573) 636-0383  
Email: [jfischerpc@aol.com](mailto:jfischerpc@aol.com)  
[lwdority@sprintmail.com](mailto:lwdority@sprintmail.com)

For Applicant:

Craig Neeld  
Technologies Management, Inc.  
P.O. Drawer 200  
Winter Park, FL 32789

5. Rule 4 CSR 240-31.065 sets forth the procedures for collection of the Missouri USF and states in part:

(1) All applicable carriers shall place on each retail end-user customer's bill, a surcharge equal to the percentage assessment ordered by the Commission.

(2) The surcharge shall appear as a separate line item detailed as "Missouri Universal Service Fund."

(3) The surcharge percentage shall be applied to each customer's total charges equating to the applicable carrier's net jurisdictional revenues.

(4) No carrier may recover its Universal Service Fund (USF) assessment in any way other than through this charge.

6. To add an additional line for the Missouri USF on each applicable end user's bill would cost CCNS more than the assessment itself.

7. The amount involved in the Missouri USF assessment does not justify the added cost of billing the assessment as a separate line item.

8. Pursuant to 4 CSR 240.2.080(16), CCNS requests that this application be approved on an expedited basis, as soon as practical, in order for CCNS to avoid a technical violation of 4 CSR 240-31.065. This request was filed as soon as possible since it is being filed as a part of the Application For Rule Waiver.

**WHEREFORE**, Consolidated Communications Network Services, Inc. respectfully requests that the Commission waive Rule 4 CSR 240-31.065 (1), (2), (3) and (5) as it pertains to billing a USF surcharge, as well as that portion of subsection (4) which requires CCNS to remit revenues received as a result of the surcharge. CCNS requests that it be allowed to remit the required assessment directly to QSI, the administrator of the Missouri USF, from collected revenues derived from its base rates. CCNS respectfully requests that the Commission issue an order on an expedited basis granting the relief requested herein, and for such further relief as the Commission deems appropriate. CCNS reserves the right to revisit this waiver request if the assessment increases significantly or if billing costs change.

Respectfully submitted,

  
James M. Fischer MBN 27543  
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Jefferson City, Missouri 65101  
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Facsimile: (573) 636-0383  
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ATTORNEY FOR APPLICANT

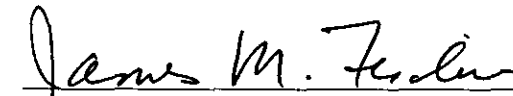
## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed, hand-delivered or mailed, postage prepaid, this 15th day of April 2005, to:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Dana K. Joyce, General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Missouri Universal Service Fund Administrator  
QSI Consulting, Inc.  
Attn: Peter Gose  
14530 NW 63<sup>rd</sup> Street  
Parkville, MO 64153

  
James M. Fischer

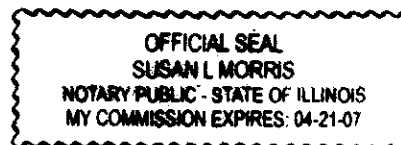
### VERIFICATION

I, Steven L. Childers, first being duly sworn upon oath depose and say I am Chief Financial Officer of Consolidated Communications Network Services Inc.; that I have read the above and foregoing application by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

Steven L. Childers

Subscribed and sworn before me this 14<sup>th</sup> day of April 2005.

Susan L. Morris  
Notary Public



My Commission expires on 4-21-07.