

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

In the Matter of the Application of Northeast Missouri)	
Rural Telephone Company and Northeast Missouri)	<u>File No. TO-2012-0155</u>
Long Distance, L.L.C., for Waiver of 4 CSR)	Tariff No. JX-2012-0230
240-33.150(4))	

ORDER CONCERNING ELECTION OF WAIVER

Issue Date: December 1, 2011

Effective Date: December 1, 2011

On November 17, 2011, Northeast Missouri Rural Telephone Company and Northeast Missouri Long Distance, L.L.C. (“the Companies”) filed an application requesting an order acknowledging waiver of Commission Rule 4 CSR 240-33.150(4) and requesting expedited treatment. The Companies are currently involved in an internal reorganization which includes the transfer of the interexchange certificate from Northeast Missouri Long Distance, LLC to Northeast Missouri Rural Telephone Company on December 31, 2011. The Companies had previously filed notification with the Missouri Public Service Commission (“Commission”) that they elect to waive certain Commission rules and statutory provisions pursuant to Section 392.420, RSMo, including those provisions requiring approval of mergers, consolidations, reorganizations and transfers.

The waiver that the Companies request is allowed by Sections 392.245.5(8) and 392.420, RSMo, which permit regulated telecommunications companies to elect waivers of certain provisions of statutes and regulations, including Sections 392.300 and 392.340, RSMo, concerning the reorganization of companies and the transfer or sale of property. On August 28, 2011, House Bill 338 added Section 392.461, RSMo, which

provides that telecommunications companies may elect to be exempt from certain retail rules that “include provisions already mandated by the Federal Communications Commission, including ... verification of orders for changing telecommunications service providers (slamming).”

The application filed by the Companies elects a waiver of 4 CSR 240-33.150(4), which is a portion of a Commission rule that purports to reduce or eliminate the unauthorized change of a customer’s preferred telecommunications carrier without the customer’s knowledge or consent (“slamming”). The Commission’s Staff recommends that the Commission issue an order recognizing the election of waiver of all of 4 CSR 240-33.150 by the Companies as of November 17, 2011.

The Companies have shown good cause for expedited treatment of the application. The Companies’ application constitutes a notice of election for a waiver that is consistent with Sections 392.245.5(8), 392.420 and 392.461, RSMo. The Commission concludes that the Companies are lawfully entitled to the waiver of 4 CSR 240-33.150 in its entirety, including subsection 4 of that rule.

THE COMMISSION ORDERS THAT:

1. The Companies’ request for expedited treatment is granted.
2. The Companies’ notice of election for waiver of 4 CSR 240-33.150 is acknowledged as received, with an indicated election date of November 17, 2011.

3. This order is effective on December 1, 2011.
4. This case may be closed on December 2, 2011.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Michael Bushmann, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of December, 2011.