

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

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

STAFF RECOMMENDATION

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

1. On August 28, 2008, §392.245.5(8) and §392.420 RSMo were amended by H.B. 1779, allowing regulated telecommunications companies to elect waivers of certain provisions of statutes and regulations, including §392.300 and .340 RSMo, concerning internal reorganizations such as Northeast Missouri Rural Telephone Company and Northeast Missouri Long Distance, L.L.C. (“the Companies”) are undertaking presently.
2. On August 28, 2011, H.B. 338 added §392.461, 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)... 4 CSR 240-33.150(4) is such a rule.
3. On November 17, 2011, the Companies filed an Application that serves as a Notice of Election that comports with the Commission’s procedures, elects waivers consistent with §§392.245.5(8), 392.420 and 392.461, elects a waiver to which the Company is lawfully entitled and establishes an election date of November 17, 2011.

4. The Staff recommends that the Commission recognize that the Company has elected a waiver of 4 CSR 240-33.150 "Anti-slamming" requirements. Although the Companies requested a waiver of only paragraph (4), that paragraph sets forth a safe-harbor from the other requirements of the rule in the case of a reorganization approved by the Commission. As noted above, the Commission may waive the requirement that it approve a reorganization, so that the terms of the safe harbor do not apply. Although the Companies ask only that the Commission acknowledge that the safe harbor does apply, it is more straightforward for the Commission to simply acknowledge election of a waiver of the anti-slamming rule in its entirety.

WHEREFORE, the Staff recommends that the Commission issue an Order wherein it recognizes an Election of a Waiver of 4 CSR 240-33.150 by the Companies as of November 17, 2011.

Respectfully submitted,



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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 29th day of November, 2011.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TO-2012-0155
Company Name: Northeast Missouri Rural Telephone Company and
Northeast Missouri Long Distance

From: Kari Salsman
Telecommunications Unit

William Voight 11-28-11
Tariff, Safety, Economic and Engineering Analysis/Date

Subject: Staff's recommendation to approve Northeast Missouri Rural Telephone
Company and Northeast Missouri Long Distance Request for Waiver of
Commission rule 4 CSR 240- 33.150(4), and Motion for Expedited Approval.

Date: 11-28-11

On November 17th, 2011, Northeast Missouri Rural Telephone Company ("NEMR") and Northeast Missouri Long Distance ("NELD") filed a request seeking a waiver of a Commission rule. They also requested expedited approval of its waiver request.

The companies seek a waiver of 4 CSR 240-33.150(4), which is the Commission's anti-slamming rule. Currently, NEMR offers interexchange telecommunications to its Missouri customers through a wholly-owned affiliate – NELD. As of January 1, 2012, all long distance service will be provided by NEMR itself. In Tariff File No. JX-2012-0230, effective January 1, 2011, NEMR has filed a tariff adoption notice and also notified the PSC records department of this transfer of the interexchange (IXC) certificate. Because NEMR is adopting the NELD IXC tariff, all existing NELD IXC customers will continue to be served by the same personnel under the same rates, terms and conditions. This transfer should therefore be transparent to the cooperative's customers. Customers will continue to receive billing statements for both local and long distance service on one bill.

The Telecommunications Department Staff (Staff) has examined the proposal and recommends the Commission grant the request to approve the waiver, and, at the Commission's earliest convenience, grant the request for expedited approval.

Company requests the Commission waive the following:

RULE

4 CSR 240-33.150(4)

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:)

Under penalty of perjury, I affirm that the above statement is true and correct.

Kari Salsman

KARI SALSMAN