

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Notice of Election of)
MoKAN DIAL, INC.)
For Waiver of Commission Rules and) Case No. _____
Statutes Pursuant to Section 392.420)
RSMo., as Amended by 2008 HB 1779.)

Notice of Election for Waiver of Commission Rules and Statutes
MoKAN DIAL, INC.

Comes now MoKAN DIAL, INC., hereinafter “Company”, and hereby notifies the Missouri Public Service Commission of its election for waiver of certain Commission rules and statutory provisions. In support of this Notice, Company states as follows:

1. Company is a Kansas corporation duly authorized to conduct business in Missouri, with its principal office located at 112 South Broadway, P.O. Box 429, Louisburg, Kansas, 66053. Company is an incumbent “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 2000.¹

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

¹ Section 386.020, RSMo, as revised by House Bill 1779, effective August 28, 2008.

Craig S. Johnson, Of Counsel
Berry Wilson, LLC
MoBar # 28179
304 E. High St., Suite 100
P.O. Box 1606
Jefferson City, MO 65102
(573) 638-7272
(573) 638-2693 FAX
craigsjohnson@berrywilsonlaw.com

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

Jane Prettyman
General Manager
MoKAN DIAL, INC.
112 South Broadway
P.O. Box 429
Louisburg, KS 66053-0429
(913) 837-2219
(913) 837-5108 FAX

4. Company 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.

5. Section 392.420, RSMo as revised by HB 1779 and effective on August 28, 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.** 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).

6. 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. Company respectively submits that at least two alternative local exchange telecommunications companies are authorized to provide local exchange telecommunications services in its authorized service area:

- a. MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on September 25, 2008, in Case No. TA-2009-0083.

- b. XO Communications Services, Inc. obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on October 9, 2008 in Case No. TA-2009-0108.

7. Under Section 392.420, RSMo, where there is an interconnected internet protocol (VOIP) provider registered to provide service 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. Company respectfully submits that at least two interconnected VoIP providers are registered to provide services in its authorized service area:

- a. MCI Communications Services Inc. d/b/a Verizon Business Services filed its registration as a provider of interconnected VoIP services with the Commission on September 10, 2008 and was issued a voice over internet protocol registration on September 30, 2008, in Case No. DA-2009-0096.

- b. XO Communications Services, Inc. filed its registration as a provider of interconnected VoIP services with the Commission on September 19, 2008 in Case No. DA-2009-0107.

- c. Comcast IP Phone of Missouri, LLC. filed its registration as provider of interconnected VoIP services with the Commission on August 28, 2008, in Case No. DA-2009-0060, which included Company's Freeman exchange.

8. Company hereby exercises its statutory right to elect to opt into the waiver of the application and enforcement of some, but not all, of the 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, Company 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 below:

- a. 4 CSR 240-2.550 (4) and (5)(A), held order records, quality of service reports;
- b. 4 CSR 240-32.060, engineering and maintenance;
- c. 4 CSR 240-32.070, quality of service;
- d. 4 CSR 240-32.080, service objectives and surveillance levels;
- e. 4 CSR 240-33.040(1) through (3) and (5) through (10), billing and payment standards;
- f. 4 CSR 240-33.045, clear identification and placement of charges on bills;
- g. 392.290 RSMo, issuance of stocks, bonds and other indebtedness;
- h. 392.300 RSMo, transfer of property and ownership of stock;
- i. 392.310 RSMo, approval of issuing stocks, bonds, or other indebtedness;
- j. 392.320 RSMo, certificate of commission to be recorded-stock dividends;
- k. 392.330 RSMo, accounting requirements (proceeds of sales of stock, bonds, notes, etc.);
- l. 392.340 RSMo, company reorganization.

WHEREFORE, Company 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;

/s/
Craig S. Johnson, Atty.
Mo Bar # 28179
1648-A East Elm St.
Jefferson City, MO 65101
(573) 632-1900
(573) 634-6018 (fax)
craig@csjohnsonlaw.com
Attorney for Company

VERIFICATION

STATE OF KANSAS)

COUNTY OF Miami) ss

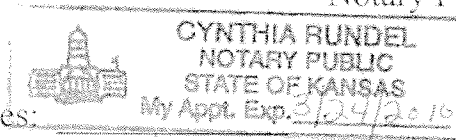
I, Jane Prettyman, General Manager of MoKAN DIAL INC., hereby verify and affirm that I have read the foregoing Notice of Election for Waiver of Commission rules and of Statutes, and that the statements contained therein are true and correct to the best of my information and belief.

Jane Prettyman

Subscribed and sworn to before me this 28 th day of October, 2008.

Cynthia Rundel
Notary Public

My commission expires:



CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 28th day of October, 2008, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
gencounsel@psc.mo.gov

Mike Dandino
Office of Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

_____/s/_____
Craig S. Johnson