

) Case No.  
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<sup>2</sup> Section 386.020, RSMo, as revised by House Bill 1779, effective August 28, 2008.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Becky Owenson Kilpatrick  
220 Madison Street  
Jefferson City, Missouri 65101  
Telephone: (573) 634-4261  
Facsimile: (573) 636-6826  
[becky.kilpatrick@centurytel.com](mailto:becky.kilpatrick@centurytel.com)

3. CenturyTel 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. CenturyTel respectively submits that one or more alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in CenturyTel's authorized service area.

6. The Commission has found in numerous cases that alternative local exchange carriers are authorized to provide local exchange telecommunications services in CenturyTel'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 CenturyTel's authorized service area:

- a. Charter Fiberlink – Missouri, LLC obtained a Certificate to Provide Basic Local and Interexchange Telecommunications Services within Missouri, including the exchanges now owned by CenturyTel, on April 5, 2001, in Case No. TA-2001-346.
- b. Socket Telecom, LLC obtained a Certificate to Provide Basic Local and Interexchange Telecommunications Services within Missouri, including the exchanges now owned by CenturyTel, on August 13, 2001, in Case No. TA-2001-0671.
- c. Fidelity Communications Services II, Inc. obtained a Certificate to Provide Basic Local Telecommunications Services within Missouri, including the exchanges now owned by CenturyTel, on November 30, 1999 in Case No. TA-2000-229.
- d. Level 3 Communications, LLC obtained a Certificate to Provide Basic Local Telecommunications Services within Missouri, including the exchanges now owned by CenturyTel, on February 17, 1999, in Case No. TA-99-171.

- e. MCC Telephony of Missouri, Inc., obtained a Certificate to Provide Basic Local Telecommunications Services within Missouri, including the exchanges owned by Spectra, on May 15, 2005, in Case No. LA-2005-0150.

6. Further, the Commission has found in a number of cases that such alternative local exchange telecommunications providers are actively competing against CenturyTel for its local residential and business customers in numerous exchanges throughout Missouri. *See In the Matter of CenturyTel of Missouri, LLC's Request for Competitive Classification Pursuant to Section 392.245.5, RSMo.*, Case No. IO-2008-0243; *In the Matter of CenturyTel of Missouri, LLC's Request for Competitive Classification Pursuant to Section 392.245.5, RSMo.*, Case No. IO-2007-0440; *In the Matter of CenturyTel of Missouri, LLC's Request for Competitive Classification Pursuant to Section 392.245.5, RSMo.*, Case No. IO-2006-0316; and *In the Matter of CenturyTel of Missouri, LLC's Request for Competitive Classification Pursuant to Section 392.245.5, RSMo.*, Case No. IO-2006-0109.

7. Moreover, in a recent decision following staff's review of the competitive classification granted in the above-referenced cases, the Commission found competition by alternative local exchange carriers continued to exist in CenturyTel's exchanges. *See In the Matter of the Review of the Competitive Classification of the Exchanges of CenturyTel of Missouri, LLC*, Case No. IO-2008-0096.

8. By opting into the waivers contained in this Notice of Election, CenturyTel does not waive any right or opportunity to seek additional waivers in the future. Moreover, CenturyTel is currently analyzing House Bill 1779<sup>3</sup> in order to fully understand the scope and effect of this legislation.

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<sup>3</sup> Effective August 28, 2008.

9. CenturyTel 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 requirements listed in § 392.420, RSMo. The specific rules and statutes to be waived are listed in Attachment A.

WHEREFORE, CenturyTel 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/ Becky Owenson Kilpatrick

Becky Owenson Kilpatrick

Missouri Bar No. 42042

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Jefferson City, Missouri 65101

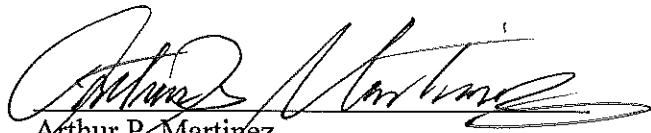
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*Attorney for CenturyTel of Missouri, LLC*

**VERIFICATION**

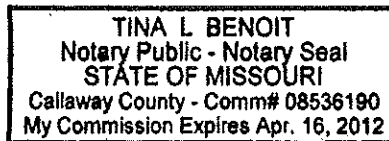
I, Arthur P. Martinez, Director Government Relations for CenturyTel, hereby verify and affirm that I have read the foregoing Notice of Election for Waiver of Commission Rules and Statutes, and that the statements contained therein are true and correct to the best of my information and belief.

  
Arthur P. Martinez

Subscribed and sworn to before me on this 2<sup>nd</sup> day of September 2, 2008.

  
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Notary Public

My Appointment Expires:



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 2<sup>nd</sup> day of September, 2008, a copy of the above and foregoing document and attachment were served via electronic mail, facsimile or U.S.

Mail, postage prepaid to each of the following:

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/s/ Becky Owenson Kilpatrick