

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Budget PrePay, Inc. for Waiver of Certain) File No.
Commission Rules and Statutes.)

**APPLICATION OF BUDGET PREPAY, INC. FOR
WAVIER OF CERTAIN COMMISSION RULES AND STATUTES**

COMES NOW Budget Prepay, Inc. ("Budget PrePay"), by its undersigned counsel, and pursuant to Section 392.420 R.S.Mo. and 4 CSR 240-2.060, and hereby requests that the Missouri Public Service Commission ("Commission") issue an order waiving certain Commission rules and statutes.

In support of its application Budget PrePay states to the Commission as follows:

1. Name and Address: Applicant's legal name is Budget PrePay, Inc. Budget PrePay maintains its principal place of business at:

1325 Barksdale Boulevard
Bossier City, Louisiana 711
Telephone Number: 888-424-5588

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

3. Corporate Structure: Budget PrePay is a Louisiana corporation authorized to conduct business within the State of Missouri. A copy of its Certificate of Good Standing is attached hereto and incorporated herein by reference as **Exhibit 1**. Further, Budget PrePay is a Competitive Local Exchange Carrier (“CLEC”) authorized by the Commission to provide basic local exchange services and long distance. Budget PrePay has been providing services in Missouri since 2002.¹

4. Classification of Services as Competitive: In the Commission's previous orders granting Budget PrePay’s certificates of service authority, the Commission classified Budget PrePay and its services as competitive.

5. Waiver of Rules: The Commission has previously waived certain statutes and regulations as to Budget PrePay, but because of the passage of time, the list is not as comprehensive as would be consistent with current Commission practices. Pursuant to Section 392.420 R.S.Mo. (see also Section 392.245.5(8)), which provides good cause for this request, Budget PrePay requests that the following statutes and regulations be waived for Budget PrePay:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4), (5)(A) and (5)(C)
392.240.1	4 CSR 240-10.020
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.060
392.290	4 CSR 240-32.070
392.300	4 CSR 240-32.080
392.310	4 CSR 240-33.040 (except subsection (4))
392.320	4 CSR 240-33.045
392.330	4 CSR 240-33.080(1)
392.340	4 CSR 240-33.130(1), (4) and (5)

¹ Budget PrePay (then Budget Phone, Inc.) was originally certificated by the Missouri Public Service on September 18, 2002, in Case No. CA-2003-0024. On May 9, 2007 the Commission issued its Order recognizing the name change from Budget Phone, Inc. to Budget PrePay, Inc. in Case No. TN-2007-0411.

In addition to the waiver of the aforesaid rules, Budget PrePay further requests that the Commission waive rule 4 CSR 240-32.050(4)(B) to the extent that it approved waiver of the aforesaid Rule in connection with Southwestern Bell Telephone Company's d/b/a AT&T Missouri's Application for Waiver of the General Distribution Requirement of White Pages Directories Under Rule 4 CSR 240-32.050(4)(B) (File No.: IE-2009-0357). No public utility will be affected by the requested waiver of these statutes and regulations.

6. Pending Actions: Budget PrePay does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

7. Compliance with Orders and Regulations: Budget PrePay will comply with all applicable orders and regulations of the Commission.

8. Annual Reports and Fees: Budget PrePay does not have any overdue annual reports or assessment fees.

WHEREFORE, Budget PrePay, Inc. respectfully requests that the Commission issues an Order to grant waiver of the identified statutes and regulations, including a waiver of 4 CSR 240-32.050(4)(B) to the extent it granted such waiver to AT&T Missouri in File No. IE-2009-0357, and grant such other and further relief to Budget PrePay as the Commission deems meet and proper.

Respectfully submitted,

/s/ Carl J. Lumley

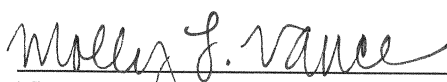
Carl J. Lumley, #32869
Curtis, Heinz, Garrett & O'Keefe, PC
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Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

Attorneys for Budget PrePay, Inc.

VERIFICATION

STATE OF LOUISIANA)
) SS.
COUNTY OF BOSSIER)

I, Molly Vance, being first duly sworn, depose and state that I am over the age of 21 years sound of mind, and the Controller of Budget PrePay, Inc., the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of Budget PrePay, Inc., that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Budget PrePay, Inc. in this proceeding.


Name/Title: Molly Vance, Controller
Budget PrePay, Inc.

Subscribed and sworn to before this 14th day of January, 2010.


Notary Public

My Commission Expires:

PATRICK D. NIX
NOTARY PUBLIC, #35044
CADDO PARISH LOUISIANA
My Commission is for Life

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 18th day of January, 2010, by either e-mail or U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

BUDGET PREPAY, INC.

using in Missouri the name

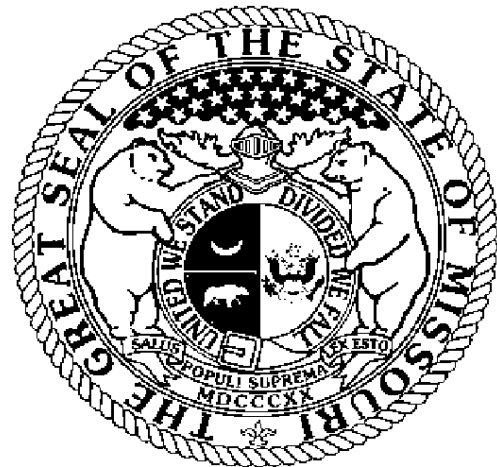
**BUDGET PREPAY, INC.
F00510923**

a LOUISIANA entity was created under the laws of this State on the 15th day of July, 2002, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of January, 2010

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 12444839-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>