

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
April, 2005.

In the Matter of the Petition of Consolidated)	
Communications Network Services, Inc., for)	
a Waiver of Portions of Rule 4 CSR)	<u>Case No. XE-2005-0367</u>
240-31.065 Requiring a Billing Surcharge)	
for the Universal Service Fund Assessment)	

ORDER GRANTING WAIVER

On April 15, 2005, Consolidated Communications Network Services, Inc., (CCNS) filed an application for a waiver of Rule 4 CSR 240-31.065 which requires a surcharge for the Universal Service Fund Assessment. 4 CSR 240-31.065, if not waived, would require CCNS to collect its Universal Service Fund assessment through an explicit surcharge. According to CCNS' application, the cost to add an additional line for the Missouri USF on each applicable end user's bill would cost CCNS more than the USF assessment itself. CCNS proposes to remit the required assessment directly to the administrator of the USF, from the collected revenues derived from its base rates.

On April 21, 2005, the Staff of the Commission filed its recommendation concerning the waiver. Staff states that, since the cost of implementing a surcharge is likely to be greater than the amounts to be collected, CCNS has demonstrated good cause to waive 4 CSR 240-31.065. The Commission agrees with Staff that CCNS has demonstrated good cause and the Commission will grant the waiver. Although a surcharge is mandatory under

normal circumstances, the Commission will not require a company to implement one if it would be likely to create more costs than it collects.

IT IS THEREFORE ORDERED:

1. That the application for a waiver of Rule 4 CSR 240-31.065 filed by Consolidated Communications Network Services, Inc., on April 15, 2005, is granted.
2. That this order shall become effective on May 1, 2005.
3. That this case may be closed on May 2, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Davis, Chm., Clayton and Appling, CC., concur
Gaw, C., concurs with concurring opinion to follow
Murray, C., absent

Mills, Deputy Chief Regulatory Law Judge