

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)
Fidelity Communications Services I, Inc. for) **Case No. CE-2009-0191**
Waiver of Commission Rules and Statute)

ORDER GRANTING WAIVERS

Issue Date: December 2, 2008

Effective Date: December 2, 2008

On August 28, 2008, House Bill 1779 became effective, modifying §392.420 RSMo 2000, so that it now provides, in pertinent part:

[F]or 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.

On November 13, 2008, Fidelity Communications Services I, Inc. (the Company) filed a request with the Missouri Public Service Commission ("Commission") that Commission waive certain rules and statutory provisions pursuant to RSMo Section 392.420.

On November 21, 2008, the Commission Staff submitted its memorandum concerning the request. It noted that:

1. The Company is alternative local exchange telecommunications companies as that term is used in Section 392.420.

2. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

The waivers requested by the Company are:

4 CSR 240-3.550 (4) and (5)(A) Held order records and quality of service reports
4 CSR 240-32.060 Engineering and maintenance
4 CSR 240-32.070 Quality of Service
4 CSR 240-32.080 Service objectives and surveillance levels
4 CSR 240-33.040(1) through (3) and (5) through (10) Billing and payment standards
4 CSR 240-33.045 Clear identification and placement of charges on bills
4 CSR 240-33.080 (1) Toll-free number for billing disputes on bills
4 CSR 240-33.130 (1), (4) and (5) Operator service billing requirements
392.210 Accounting requirements (system of accounts)
392.240 Reasonableness of rates
392.270 Accounting requirements (valuation of property)
392.280 Accounting requirements (depreciation rates/accounts)
392.290 Issuance of stocks, bonds and other indebtedness
392.300 Transfer of property and ownership of stock
392.310 Approval of issuing stocks, bonds and other indebtedness
392.320 Certificate of Commission to be recorded-stock dividends
392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
392.340 Company reorganization

The Staff recommends that the Commission grant the Company's requested waivers and direct the Companies to list these waivers in the Company's tariffs.

THE COMMISSION ORDERS THAT:

1. The Company's Request for Waiver of the above-listed provisions is granted.

2. The Company is directed to list the granted waivers in its tariffs no later than January 1, 2009.

3. This order is effective upon issuance, after which this case may be closed.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 2nd day of December, 2008.