

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Notice of Election, and)	
Request for Waiver by Chariton Valley)	
Telecom Corporation of Commission Rules)	Case No. CE-2009-0243
and Statutes Pursuant to Section 392.420)	
RSMo, as amended by 2008 HB 1779)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. On December 10, 2008, Chariton Valley Telecom Corporation (Company) filed a Notice of Election, and a Request for Waiver of Commission Rules and Statutes (Notice) with the Missouri Public Service Commission (Commission) requesting that the Commission waive certain Commission rules and statutory provisions pursuant to RSMo¹ Sections 392.245.5(8) and 392.420. On January 7, 2009, the Company filed a First Amended Notice.

2. The Company's reference to RSMo Sections 392.245(8) and 392.420 are to the statutes as revised by the passage of House Bill 1779, which became effective August 28, 2008.

3. Section 392.245.5(8), as amended by H.B. 1779, states in relevant part that “. . . all alternative local exchange telecommunications companies shall not be required to comply with customer billing rules, network engineering and maintenance rules, and rules requiring the recording and submitting of service objectives or surveillance levels established by the commission.”

4. Section 392.245.5(8) does provide, however, that the Commission shall retain the authority to hear and resolve customer complaints based upon certain federal regulations and

¹ All references to RSMo refer to the Missouri Revised Statutes 2000, as currently supplemented.

standards, the company's tariff, or Commission rules "other than those related to customer billing, network engineering and maintenance, and service objectives and surveillance levels or a failure to provide service in a manner that is safe, adequate, usual and customary in the telecommunications industry."

5. Section 392.420 RSMo, as amended by H.B. 1779, states in part that "[i]n 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."

6. The Company is an alternative local exchange telecommunications company as that term is used in Section 392.245.5(8) and 392.420. The specific waivers requested by the Company comply with the type of waivers contemplated by the passage of House Bill 1779. In the attached Memorandum, labeled Appendix A, the Staff recommends the Commission grant the waivers.

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

WHEREFORE, the Staff recommends that the Commission grant Chariton Valley telecom Corporation the waivers requested in its First Amended Notice and direct the Company to list these waivers in its tariffs.

Respectfully submitted,

/s/ William K. Haas

William K. Haas
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of January, 2009.

/s/ William K. Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CE-2009-0243
Chariton Valley Telecom Corporation

From: William Voight

Subject: Staff Recommendation to Approve Waiver Requests

Date: January 9, 2009

On December 10, 2008, Chariton Valley Telecom Corporation (Chariton Valley) filed a Notice in which it requested a waiver of certain Commission rules and statutory provisions. On January 7, 2009, Chariton Valley amended its Notice to reflect discussions that occurred with the Telecommunications Department Staff (Staff).

Chariton Valley is an alternative local exchange telecommunications carrier as defined by Sub Section 386.020 (1) RSMo. Section 392.420 RSMo, as revised by House Bill 1779, effective August 28, 2008, permits existing competitive local exchange carriers to petition the commission for a waiver of certain service quality and billing rules, as well as certain statutory provisions pertaining primarily to the transfer of property and ownership of stock. In the Staff's opinion, the waivers being requested by Chariton Valley are consistent with House Bill 1779, as well as previous waivers granted by the Commission. Therefore, the Staff recommends the Commission grant Chariton Valley's request, as reflected in the company's January 7th Pleading. The specific waivers recommended for approval are as follows:

SubSection 392.300.1 RSMo	Transfer of Property and Ownership of Stock
4 CSR 240-3.520	How to go about applying to sell or transfer assets
4 CSR 240-3.525	How to go about applying for a merger
4 CSR 240-3.550 (4)	Held order report
4 CSR 240-3.550 (5) (A)	Quarterly service quality report
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service Objectives
4 CSR 240-33.040 (1)	Requires rates to be the same as advertised and tariffed
4 CSR 240-33.040 (2)	Requires telephone companies to render a monthly bill
4 CSR 240-33.040 (3)	Permits monthly billing
4 CSR 240-33.040 (5)	Permits a 21 day payment period

4 CSR 240-33.040 (6)	Authorizes late payments to be deemed delinquent
4 CSR 240-33.040 (7)	Permits a delinquent charge to be implemented
4 CSR 240-33.040 (8)	Requires the bill to say how many lines are being charged for, the beginning and ending date of the bill period, the due date, penalty fees, unpaid balance, the rate charged, and an itemization of charges and duration of long distance calls, an itemization of taxes, amount due, a toll free number and so forth.
4 CSR 240-33.040 (9)	Requires deposits to appear on the first bill
4 CSR 240-33.040 (10)	Requires an itemization of service to be in writing
4 CSR 240-33.045	Requires clear identification of charges; Prohibits mislabeling charges as government mandated charges.
4 CSR 240-33.130 (1)	Operator Services, will not bill for incomplete calls
4 CSR 240-33.130 (4)	Can only charge tariffed rates
4 CSR 240-33.130 (5)	Requires company's real name to appear on bill

Pursuant to 4 CSR 240-3.545 (8) (C), the Staff recommends the Commission order Chariton Valley to submit tariff sheets designed to reflect the above listed waivers.

Lastly, Chariton Valley is not delinquent in payment of assessments, Relay Mo., and USF contributions, and the company is not delinquent in filing its annual reports. The Staff is unaware of any other matter that affects, or that would be affected by, this matter.

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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Case No. CE-2009-0243

AFFIDAVIT OF William Voight

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

William Voight, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of his knowledge and belief.



WILLIAM VOIGHT

Subscribed and affirmed before me this 9th day of January 2009.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


NOTARY PUBLIC