

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

In the Matter of the Application of )  
McLeodUSA Telecommunications, Inc., for ) File No. CE-2012-0396  
Waiver of Certain Commission Rules and Statutes )

**NOTICE ACKNOWLEDGING EXEMPTIONS AND  
ORDER GRANTING WAIVERS**

Issue Date: June 14, 2012

Effective Date: June 25, 2012

The Missouri Public Service Commission is acknowledging McLeodUSA Telecommunications, Inc.'s ("company") election of exemptions and granting the company's application<sup>1</sup> for waivers.

The application seeks waiver of certain provisions of law as described at Sections 392.245.5(8) and 392.420.<sup>2</sup> In its recommendation,<sup>3</sup> Staff represents that the company also agrees to an order treating the application as a notice of exemption under Section 392.461; declaring the election of exemption effective on May 25, 2012; and requiring the company's next tariff sheet filing to include a recitation of exemptions and waivers. Staff's recommendation favors granting the application as agreed.

No law requires a hearing to grant the unopposed application,<sup>4</sup> so this action is not a contested case,<sup>5</sup> and no separately stated findings of fact are required. Therefore, the Commission will deem the application amended as described in the recommendation and grant the application as amended. The agreed resolution of this

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<sup>1</sup> *Application of McLeodUSA Telecommunications, Inc. for Waiver of Certain Commission Rules and Statutes*, filed on May 25, 2012.

<sup>2</sup> All sections are in RSMo Supp. 2010.

<sup>3</sup> *Staff Recommendation*, filed on June 12, 2012.

<sup>4</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

<sup>5</sup> Section 536.010(4).

action constitutes good cause for this order's effective date to be less than 30 days from this order's issuance date.<sup>6</sup>

**THE COMMISSION ORDERS THAT:**

1. McLeodUSA Telecommunications, Inc.'s ("company") election of exemption was effective on May 25, 2012.

2. The *Application of [the Company] for Waiver of Certain Commission Rules and Statutes* is granted.

3. The next tariff sheet filing by the company shall include a list of all provisions from which the company has elected to be exempt, or the Commission has granted a waiver, which is set forth in the appendix to this order.

4. This order shall be effective on June 25, 2012.

5. This file shall close on June 26, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 14<sup>th</sup> day of June, 2012.

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<sup>6</sup> Section 386.490.2, S.B. 48, 96<sup>th</sup> Gen. Assem., 2<sup>nd</sup> Reg. Sess.

## APPENDIX

### Statutes (Sections, RSMo)

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 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 certain instruments)
- 392.340 Company reorganization

### Regulations

- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8)(C) Listing of Waivers in Tariff
- 4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))
- 4 CSR 240-3.555 Residential Customer Inquiries
- 4 CSR 240-3.560 Procedure for Ceasing Operations
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.020 Residential Telephone Underground Systems
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.010 General Provisions
- 4 CSR 240-32.040 Metering, Inspections and Tests
- 4 CSR 240-32.050 Customer Services
- 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 240-32.090 Connection of equipment and Inside Wiring
- 4 CSR 240-32.100 Provision of Basic Local and Interexchange Services
- 4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190 Caller ID blocking requirements
- 4 CSR 240-33.010 Service and Billing Practice General Provisions
- 4 CSR 240-33.040 Billing and Payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information