

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Waiver of Certain Rules and)
Statutes as to Birch Telecom of Missouri, Inc., d/b/a) **File No. CE-2013-0084**
Birch Communications and Ionex Communications,)
Inc. d/b/a Birch Communications)

NOTICE ACKNOWLEDGING ELECTION OF WAIVERS – BIRCH TELECOM OF MISSOURI, INC. AND IONEX COMMUNICATIONS, INC.

Issue Date: August 22, 2012

On August 17, 2012, Birch Telecom of Missouri, Inc., d/b/a Birch Communications and Ionex Communications, Inc., d/b/a Birch Communications (Birch) filed a notice of election for waiver of certain Commission rules and statutory provisions. Birch is authorized to elect the waiver of those rules and statutes by Sections 392.245.5(8), 392.420 and 392.461, RSMo 2000 (2011). Birch does not need the permission of the Commission to elect those waivers and the waivers took effect at the time it filed its notice.

In its August 17 notice, Birch elected a standard list of waivers identified by Staff in a motion filed in File No. TE-2012-0073 on October 18, 2011. On August 22, Staff filed a recommendation confirming the waivers elected by Birch. So that a clear record of those waivers is established, the Commission will list those waivers in this notice.

Birch has elected waiver of the following statutes and regulations:

Statutes:

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 stock, bonds, notes, etc.)
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

Birch does not need to immediately remove any listed waived provisions from its tariffs, but should do so for each tariff when it is amended in the future.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the signatory.

Steven C. Reed
Secretary

(S E A L)

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 22nd day of August, 2012.