

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Notice of Election of)	
Mid-Missouri Telephone Company)	
For Waiver of Commission Rules and)	Case No. _____
Statutes Pursuant to Section 392.420)	
RSMo., as Amended by 2008 HB 1779.)	

Notice of Election for Waiver of Commission Rules and Statutes
Mid-Missouri Telephone Company

Comes now Mid-Missouri Telephone Company, a corporate division of Otelco, Inc., hereinafter “Company”, and hereby notifies the Missouri Public Service Commission of its election for waiver of certain Commission rules and statutory provisions. In support of this Notice, Company states as follows:

1. Company is a Missouri corporation duly authorized to conduct business in Missouri, with its principal office located at 215 Roe Street, P.O. Box 38, Pilot Grove, Missouri, 65276. Company is an incumbent “local exchange telecommunications company”, a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those terms is defined in Section 386.020, RSMo 2000.¹

2. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to the following counsel for Company:

Craig S. Johnson, Of Counsel
Berry Wilson, LLC
MoBar # 28179

¹ Section 386.020, RSMo, as revised by House Bill 1779, effective August 28, 2008.

304 E. High St., Suite 100
P.O. Box 1606
Jefferson City, MO 65102
(573) 638-7272
(573) 638-2693 FAX
craigjohnson@berrywilsonlaw.com

3. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to the following representative of the Company:

Gary Romig
Vice President/General Manager
Mid-Missouri Telephone Company
215 Roe Street, P.O. Box 38
Pilot Grove, Missouri, 65276
(660) 834-3311
(660) 834-6632 FAX

4. Company has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

5. Section 392.420, RSMo as revised by HB 1779 and effective on August 28, 2008, states in relevant part:

In 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. Notwithstanding any other provision of law in this chapter and chapter 386, RSMo, **where an alternative local exchange**

telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected. In addition, where an interconnected voice over Internet protocol service provider is registered to provide service in an incumbent local exchange telecommunications company's authorized service area under section 392.550, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected.

(emphasis added).

6. Under Section 392.420 RSMo, where there is an alternative local exchange telecommunications company authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into the statutory and commission rule waivers. Company respectively submits that at least two alternative local exchange telecommunications companies are authorized to provide local exchange telecommunications services in its authorized service area:

- a. MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on September 25, 2008, in Case No. TA-2009-0083.
- b. XO Communications Services, Inc. obtained an expanded certificate of service authority to provide basic local telecommunications services in all Missouri exchanges on October 9, 2008 in Case No. TA-2009-0108.

7. Under Section 392.420, RSMo, where there is an interconnected internet protocol (VOIP) provider registered to provide service in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into the statutory and commission rule waivers. Company respectively submits that at least two interconnected VoIP providers are registered to provide services in its authorized service area:

a. MCI Communications Services Inc. d/b/a Verizon Business Services filed its registration as a provider of interconnected VoIP services with the Commission on September 10, 2008 and was issued a voice over internet protocol registration on September 30, 2008, in Case No. DA-2009-0096.

b. XO Communications Services, Inc. filed its registration as a provider of interconnected VoIP services with the Commission on September 19, 2008 in Case No. DA-2009-0107.

8. Company has previously exercised its statutory right to elect to opt into the waiver of the application and enforcement of some, but not all, of the quality of service and billing standards rules and the statutory sections listed in §392.420, RSMo. The Commission entered an Order acknowledging those waivers dated December 11, 2008 in Case No. IE-2009-0201.

9. Company hereby notifies the Commission that, in addition to the waivers previously obtained, the Company also elects to waive applicability of the Missouri depreciation statute, listed as:

a. 392.280 RSMo, depreciation account required—application for change, information required—ruling, when—minimum rates in lieu of fixed rates;

10. By opting into this waiver contained in this Notice of Election, Company does not waive any right or opportunity to seek additional waivers in the future.

WHEREFORE, Company hereby provides the Commission with written notice of its election to opt into waivers of the above mention statute pursuant to Section 392.420, RSMo, commencing on the date of this filing.

Respectfully Submitted;

_____/s/_____

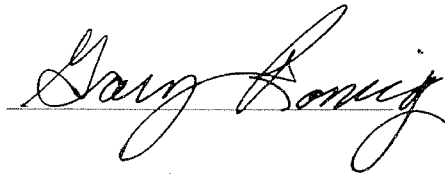
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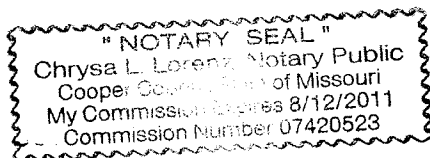
VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF Cooper)

I, Gary Romig, Vice President and General Manager of Mid-Missouri Telephone Company, hereby verify and affirm that I have read the foregoing Notice of Election for Waiver of Commission rules and of Statutes, and that the statements contained therein are true and correct to the best of my information and belief.



Subscribed and sworn to before me this 17 th day of SEPTEMBER, 2010.




Notary Public

My commission expires: 8-12-2011

CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 20th day of September, 2010, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
gencounsel@psc.mo.gov

Office of Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

/s/
Craig S. Johnson