

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application	)	
of Cavalier Telephone dba Cavalier	)	
Business Communications dba	)	
Cavalier Telephone and TV for a	)	Case No. 09-539-TP-WVR
Waiver of Certain Minimum Telephone	)	
Service Standards as Set Forth in	)	
Chapter 4901:1-5, Ohio Administrative	)	
Code.	)	

ENTRY

The Commission finds:

- (1) On June 29, 2009, the applicants, Talk America, Inc. and LDMI Telecommunications, Inc., both of which do business as Cavalier Telephone dba Cavalier Business Communications dba Cavalier Telephone and TV, filed an application in this case requesting a waiver of a particular provision of the Minimum Telephone Service Standards (MTSS) which, collectively, until they were rescinded in 2010, had been set forth in Chapter 4901:1-5, of the Ohio Administrative Code (O.A.C.). Specifically, the application in this case pertains to a waiver of Rule 4901:1-5-07(C), O.A.C., which, before it was rescinded, had limited authorized payment agent fees to no more than \$2.00 per transaction.
- (2) The MTSS rule provision from which waiver is sought in this case, namely, Rule 4901:1-5-07(C), O.A.C., has been rescinded. In fact, the rescission of all of the MTSS rules became effective on September 13, 2010, coincident with the adoption, under S.B. 162, of initial rules as provided for in Section 4927.03, Revised Code. The rescission of the MTSS rules, which occurred in 2010, has rendered moot the application for rule waiver filed in this case. For that reason, we find that this case should be dismissed and closed of record.

It is, therefore,

ORDERED, That, in accordance with the above findings, this case is dismissed, as moot, and closed of record. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser


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Lynn Slaby

  
M. Beth Trombold

  
Asim Z. Haque

DEF/sc

Entered in the Journal  
**DEC 11 2013**

  
Barcy F. McNeal  
Secretary