

SERVICE DATE

DEC 30 1998

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|---------------------------------------------------|---|----------------------|
| In The Matter of the Petitions of |) | DOCKET NOS. |
| |) | |
| YELM TELEPHONE COMPANY; THE TOLEDO |) | UT-970333; UT-970334 |
| TELEPHONE COMPANY; McDANIEL TELEPHONE |) | UT-970335; UT-970336 |
| COMPANY; MASHELL TELECOM, INC.; LEWIS |) | UT-970337; UT-970338 |
| RIVER TELEPHONE COMPANY; HOOD CANAL |) | UT-970339; UT-970340 |
| TELEPHONE COMPANY; ELLENSBURG |) | UT-970341; UT-970342 |
| COMPANY; ASOTIN TELEPHONE |) | UT-970343; UT-970344 |
| COMPANY; TELEPHONE UTILITIES OF |) | UT-970345; UT-970346 |
| WASHINGTON, INC.; PEND OREILLE TELEPHONE |) | UT-970347; UT-970348 |
| COMPANY; TENINO TELEPHONE COMPANY; |) | UT-970349; UT-970350 |
| KALAMA TELEPHONE COMPANY; UNITED |) | UT-970351; UT-970352 |
| STATES CELLULAR CORPORATION; PIONEER |) | UT-970353; UT-970354 |
| TELEPHONE COMPANY; HAT ISLAND |) | UT-970356 |
| TELEPHONE COMPANY; GTE NORTHWEST, |) | |
| INCORPORATED; UNITED TELEPHONE COMPANY |) | FIRST SUPPLEMENTAL |
| OF THE NORTHWEST; WESTERN WAHAKIUM |) | ORDER CLARIFYING |
| COUNTY TELEPHONE COMPANY; INLAND |) | DESIGNATIONS OF |
| TELEPHONE COMPANY; ST. JOHN CO-OPERATIVE |) | ELIGIBLE |
| TELEPHONE AND TELEGRAPH COMPANY; |) | TELECOMMUNICATIONS |
| WHIDBEY TELEPHONE COMPANY; U S WEST |) | CARRIERS |
| COMMUNICATIONS, INC.; and COWICHE |) | |
| TELEPHONE COMPANY, INC. |) | |
| |) | |
| for designation as an Eligible Telecommunications |) | |
| Carrier. |) | |
| |) | |

BACKGROUND AND DISCUSSION

On December 28, 1998, the attorneys for the multi-exchange rural telephone companies (companies) in the above referenced dockets sought clarification of the December 23, 1997, Order of the Commission designating such carriers as eligible telecommunications carriers (ETCs) pursuant to 47 U.S.C. §214(e)(2), (5) (ETC Order). Paragraph 3(c) of the ordering paragraphs of that Order established the "service areas" of such carriers as their respective "study areas" through December 31, 1998, and thereafter as their respective individual exchanges. ETC Order at 17. Thereafter, the Commission and the companies jointly petitioned the Federal

Communications Commission (FCC) for their concurrence in that designation pursuant to 47 U.S.C. §214(2). That matter is pending. CC Docket No. 96-45, DA 98-1691.

The companies in their December 28, 1998, letter express concern that there exists an ambiguity in the ETC Order in that without FCC concurrence, it may be possible to read the Order's establishment of the "study area" as the "service area" as lapsing as of January 1, 1999. The Commission does not share that concern. The 1996 Federal Telecommunications Act, 47 U.S.C. §214(e)(5) states:

In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In other words, without Commission action to the contrary and concurrence by the FCC, federal law removes any ambiguity.

However, the Commission is willing to confirm its understanding of law by amending the December 23 Order as requested by the companies.

ORDER

IT IS THEREFORE ORDERED,

Paragraph 3(c) on page 17 of the December 23, 1997, Order in these combined dockets is amended to read as follows:

(c) For each multi-exchange rural telephone company (Asotin, Cowiche, Ellensburg, Inland, Lewis River, Mashell, McDaniel, Pend Oreille, Pioneer, SPRINT/United, Century Tel (formerly Telephone Utilities), Tenino, Western Wahkiakum, Whidbey, and Yelm), the service area is each company's study area until such time as the FCC approves the Petition of the Washington Utilities and Transportation Commission and Twenty Rural Telecommunications

Companies, filed under CC Docket No. 96-45, DA 98-1691, or until such service area designation is changed pursuant to further order of the Commission.

DATED at Olympia, Washington, and effective this 30th day of December, 1998.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


RICHARD HEMSTAD, Commissioner


WILLIAM R. GILLIS, Commissioner