

Agenda: August 13, 2003
Item Number: A2

Docket Number: UT-031301
Company: Advanced TelCom, Inc., d/b/a Advanced TelCom Group (ATG)

Staff: Sharyn Bate, Telecommunications Analyst
Glenn Blackmon, Assistant Director, Telecommunications

Recommendation:

Deny the request of Advanced TelCom Group and Shared Communications Services, Inc., in Docket UT-031301, for an exemption from WAC 480-120-083(2)(b).

Discussion:

On June 30, 2003, in Docket UT-031153, Advanced TelCom, Inc., d/b/a Advanced TelCom Group and Shared Communication Services, Inc., (together, ATG or Company) filed with the Commission notice of their intent to discontinue provision of Residential Multi-Tenant Services (RMTS). ATG filed the notice pursuant to WAC 480-120-083, Cessation of telecommunications services.

At the time of its notice ATG was providing RMTS, which included local exchange, long distance and data services, to about 1,033 customers in eight properties or apartment complexes in Redmond, Issaquah, Vancouver, Renton, and North Bend, Washington. ATG said it was discontinuing service because of the termination of several RMTS agreements between ATG and various residential properties, as part of ATG's bankruptcy case.

In Docket UT-031153, ATG initially notified customers that service would be discontinued on August 15, 2003. Staff understands that the Company's current plan is to disconnect remaining customers on August 18.

On July 17, 2003, Staff discussed the filing with the Company and followed with an email that included WAC 480-120-083 and a reminder to contact all appropriate agencies. ATG stated that all notice requirements under WAC 480-120-083 had been completed. ATG provided notice to customers on about June 23, 2003, and again on about July 18, 2003. Additional notices were posted in the residential buildings affected by the discontinuance, and the Company has been calling affected residents. The item was on the No Action agenda for July 31, 2003.

Staff has since discovered that the Company did not comply with one of the notice requirements of the cessation of service rule. Subsection (2)(b) requires that the ceasing company notify the state 911 program at least 30 days before cessation. The Company said the lack of notice to the 911 program was due to an inadvertent oversight. Upon realizing the oversight, ATG immediately sent notice to the state 911 program and asked the WUTC, in Docket UT-031301, to exempt it from the 30-day interval for this notice.

Staff believes that, while the failure to provide notice to the 911 program was not intentional, good cause does not exist to grant an exemption from the rule. Despite the extensive notice to customers, it is likely that there will be several hundred customers who have not made other arrangements and will be without dial tone and 911 access when ATG ceases service. Advance notice to the state 911 office enables state and local officials to prepare for the potential circumstance where customers could be without dial tone and therefore without the ability to make 911 calls from their home telephones.

Staff contacted the state 911 program office on August 12, 2003. The 911 office was at that point still unaware of the planned discontinuance by ATG. Lacking information on the situation, the 911 office did not state a position on the request for exemption. The 911 office said it would fax the ATG notice to county 911 staff in the affected counties as soon as it received the information.

It is not entirely clear what will happen if the WUTC denies the request for exemption. ATG might nonetheless discontinue service on August 18. This would be in apparent violation of WAC 480-120-083. The Company asserts that it no longer has the legal authority to provide service in these apartment buildings, because it renounced the contracts with the apartment owners in its bankruptcy proceeding.

Summary

Staff recommends that the Commission deny the request of ATG, in Docket UT- 031301, for an exemption from WAC 480-120-083(2)(b) requiring that a telecommunications company ceasing a service provide at least 30 days advance notice to the state 911 program.