

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of) DOCKET NO. UT-050422
)
VarTec Solutions, Inc.,) ORDER NO. 01
)
Petitioner,)
)
Seeking Exemption from the Provisions of)
WAC 480-120-303 Relating to Reporting)
Requirements of Telecommunications)
Companies to File Annual Report)
.....)

In the Matter of the Petition of) DOCKET NO. UT-050423
)
VarTec Telecom, Inc., d/b/a VarTec) ORDER NO. 01
Telecom,)
)
Petitioner,)
)
Seeking Exemption from the Provisions of)
WAC 480-120-303 Relating to Reporting)
Requirements of Telecommunications)
Companies to File Annual Report)
.....)

In the Matter of the Petition of) DOCKET NO. UT-050424
)
Excel Telecommunications, Inc.,) ORDER NO. 01
)
Petitioner,)
) ORDER GRANTING LIMITED
Seeking Exemption from the Provisions of) EXEMPTION FROM RULES;
WAC 480-120-303 Relating to Reporting) GRANTING COMPANIES
Requirements of Telecommunications) ADDITIONAL TIME TO FILE
Companies to File Annual Report) ANNUAL REPORTS
.....)

BACKGROUND

- 1 On March 18, 2005, VarTec Solutions, Inc., VarTec Telecom, Inc., d/b/a VarTec
Telecom, and Excel Telecommunications, Inc., (VarTec Solutions, VarTec, and
Excel, respectively, or the Companies), filed with the Commission petitions for
extension of time to file their 2004 annual reports, as required by WAC 480-120-
303. According to the Companies' representative, the Companies are unable to
prepare the reports by May 1st due to voluntary and untimely employee attrition,
as well as a pending bankruptcy proceeding, Case No. 04-81694-SAF-11, affecting
all three companies. The Companies seek an extension of time until June 1, 2005.
- 2 Commission Staff has reviewed the request and recommends granting the
Companies' request for an extension of time.

FINDINGS AND CONCLUSIONS

- 3 (1) The Commission is an agency of the State of Washington vested by statute
with the authority to regulate rates, rules, regulations, practices, accounts,
securities, and transfers of public service companies, including
telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and
Chapter 80.36 RCW.*
- 4 (2) VarTec Solutions, VarTec, and Excel are telecommunications companies
and public service companies subject to the jurisdiction of the
Commission.
- 5 (3) The Companies are subject to the provisions of RCW 80.04.080 and WAC
480-120-303, requiring telecommunications companies to file an annual
reports no later than May 1st of each year.

- 6 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 7 (5) The petitions were brought before the Commission at its regularly scheduled meeting on April 13, 2005.
- 8 (6) After review of the petitions filed by the Companies on March 18, 2005, and giving consideration to all relevant matters, the Commission finds the exemptions are reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The petitions filed by VarTec Solutions, Inc., VarTec Telecom, Inc., d/b/a VarTec Telecom, and Excel Telecommunications, Inc., for an extension of time until June 1, 2005, to file their 2004 annual reports is granted.
- 10 (2) Failure by VarTec Solutions, Inc., VarTec Telecom, Inc., d/b/a VarTec Telecom, and Excel Telecommunications, Inc., to file their 2004 annual reports by June 1, 2005, may result in the Commission invoking provisions of Chapter 80.04 RCW that provide for penalty assessments.
- 11 (3) The Commission retains jurisdiction over the subject matter and VarTec Solutions, Inc., VarTec Telecom, Inc., d/b/a VarTec Telecom, and Excel Telecommunications, Inc., to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 13th day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary