

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

In the Matter of the Petition of	)	DOCKET NO. UT-051488
	)	
QWEST CORPORATION,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	
Provisions of WAC 480-80-204(4)	)	
Relating to price lists – format and	)	ORDER GRANTING
content.	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1 On September 30, 2005, Qwest Corporation (Qwest or the Company) filed a petition requesting exemption from WAC 480-80-204(4) and treatment under WAC 480-80-204(3), resulting in an effective exemption from a portion of WAC 480-80-241(2).
  
- 2 WAC 480-80-204(4) requires telecommunications companies not classified as competitive offering a service classified as competitive under RCW 80.36.330 to state the rates, charges, or prices as either specific prices or maximum and minimum amounts. WAC 480-80-204(3) allows competitively classified companies to file only maximum prices in their price lists. WAC 480-80-241(2) states that a telecommunications company is not required to file a contract with prices below the maximum prices in the price list, as provided for in WAC 480-80-204(3), or within the maximum and minimum prices in the price list, as provided for in WAC 480-80-204(4).
  
- 3 Qwest stated that establishing minimum prices in its price list is anti-competitive because it causes Qwest to disclose information to its competitors that it is not able to obtain about them. Qwest points out that there is no statutory

requirement that mandates the Company file minimum prices in its price list. As such, Qwest argues that it makes sense to regulate competitively classified services in the same manner in which competitive companies are regulated, requiring only maximum prices be filed in the Company's price list.

4 In requesting this exemption, Qwest asks that it be treated as if its services were regulated under WAC 480-80-204(3) and that it be permitted to operate under the provisions of WAC 480-80-241(2) that states that a carrier is not required to file contracts for price listed services where the price in the contract is less than the maximum price stated in its price list.

5 Commission Staff reviewed the request and recommended granting Qwest's request for exemption, subject to the following:

- Qwest has not requested and is not granted exemption from the requirement found in WAC 480-80-204(4) and 480-80-204(6), based on RCW 80.36.330(3), which states that prices or rates charged for competitive telecommunications services shall cover their cost.
- Under Docket No. UT-051488, Qwest will file a cost study with the Commission for all rates that are published in its price lists as maximum rates with no published minimum rate.
- This exemption is effective until November 9, 2007.

## FINDINGS AND CONCLUSIONS

6 (1) The Washington Utilities and Transportation 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.*

- 7 (2) Qwest is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 8 (3) Qwest is subject to the relevant provisions of WAC 480-80-204(4), requiring telecommunications companies not classified as competitive offering a service classified as competitive under RCW 80.36.330 to state the rates, charges, or prices as either specific prices or maximum and minimum amounts. Qwest is also subject to the relevant provisions of WAC 480-80-241(2) requiring the filing of contracts that are below the minimum price in the price list.
- 9 (4) WAC 480-80-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-80 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on October 26, 2005.
- 11 (6) After review of the petition filed in Docket UT-051488 by Qwest on September 30, 2005, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

## ORDER

### THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, Qwest Corporation is granted an exemption from that portion of WAC 480-80-204(4) requiring filing of a minimum price in a price list for services classified as competitive, allowing treatment of Qwest price lists under WAC 480-80-204(3) as if Qwest were a competitive company, resulting in an effective exemption from a portion of WAC 480-80-241(2) requiring filing of contracts with prices below the minimum price.
- 13 (2) This exemption is subject to the following:
- Qwest has not requested and is not granted exemption from the requirement found in WAC 480-80-204(4) and WAC 480-80-204(6), based on RCW 80.36.330(3), which states that prices or rates charged for competitive telecommunications services shall cover their cost.
  - Under Docket No. UT-051488, Qwest will file a cost study with the Commission for all rates that are published in its price lists as maximum rates with no published minimum rate.
  - This exemption is effective until November 9, 2007.
- 14 (3) The Commission retains jurisdiction over the subject matter and Qwest Corporation 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 9<sup>th</sup> day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner