

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

THE TOLEDO TELEPHONE CO.,
INC.,

Petitioner,

For an Exemption from WAC 480-123-
110(5)

DOCKET UT-200776

ORDER 01

GRANTING PETITION FOR
EXEMPTION

BACKGROUND

- 1 On September 2, 2020, The Toledo Telephone Co., Inc., (Toledo Telephone Co. or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for an Exemption from WAC 480-123-110(5) (Petition for Exemption).
- 2 In its Petition for Exemption, Toledo Telephone Co. explains that, due to miscommunications between its employees and a consultant, it was not able to submit a Petition for Support from the Washington State Universal Service Communication Program in a timely fashion. Toledo Telephone Co.'s attorney became aware of this issue after being contacted by Commission staff (Staff). The Company states that it was unaware of the possibility of seeking an exemption from the August 2 deadline for a Petition for Support until its attorney advised it of this possibility.
- 3 On September 2, 2020, Toledo Telephone Co. filed its Petition for Support from the Washington State Universal Service Communication Program (Petition for Support) in Docket UT-200773. A copy of the Petition for Support is attached as Exhibit 1 to the Company's Petition for Exemption.
- 4 Commission staff (Staff) supports the Company's Petition for Exemption from WAC 480-123-110(5).

DISCUSSION

5 WAC 480-07-110 provides that the Commission “may grant an exemption from, or
modify the application of, any of its rules in individual circumstances if the exemption or
modification is consistent with the public interest, the purposes underlying regulation,
and applicable statutes.” The Commission will consider factors such as “whether the rule
imposes an undue hardship on the requesting person of a degree or a kind different from
hardships imposed on other similarly situated persons, and whether the effect of applying
the rule to the requesting person would be contrary to the underlying purposes of the rule
and the public interest.”¹

6 A wireline communications provider may petition the Commission to receive support
from the state universal services communication program for the following year.²
Pursuant to WAC 480-123-110(5), a communications provider must file this petition no
later than August 2 each year.

7 We agree that granting the requested exemption under these circumstances is appropriate.
Toledo Telephone Co. describes miscommunications that caused the Company to miss
the August 2 deadline to file its Petition for Support. However, the Company has sought
to correct this error and has filed the Petition for Support in Docket UT-200773. If
granted, the Petition for Support would promote the goals of the state universal service
fund (USF) by maintaining, enhancing, or providing broadband and telecommunication
services in rural areas. The Commission has previously approved distributions from the
USF to Toledo Telephone Co. in the past and found that such distributions were
consistent with the public interest.³ Denying the Petition for Support solely because it
was not filed by the due date would be contrary to both the purposes underlying the rule
and the public interest. The Commission should consider the Petition for Support on its
merits with the goal of expanding the availability of broadband and telecommunications
services in rural areas.

¹ WAC 480-07-110(2)(c).

² WAC 480-123-110(1).

³ See *In the Matter of the Petition of Toledo Telephone Company, Inc.*, Docket UT-160947 Order 01 (November 10, 2016).

8 Accordingly, we find that the requested exemption is consistent with the public interest,
the purposes underlying regulation, and applicable statutes, and conclude that it should be
granted.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission has jurisdiction over the subject matter of this order and is
authorized to designate Eligible Telecommunications Carriers in Washington
under 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201(b)-(c), and WAC 480-123.
- 10 (2) Toledo Telephone Co. has been designated an Eligible Telecommunications
Carrier and is seeking universal service support.
- 11 (3) WAC 480-123-110(5) requires companies to file petitions for support from the
universal service fund no later than August 2 each year.
- 12 (4) On September 2, 2020, Toledo Telephone Co. filed its Petition for Exemption
from WAC 480-123-110(5).
- 13 (5) Under WAC 480-07-110(1), the Commission may grant an exemption from the
provisions of any rule in Chapter 480-70 WAC if doing so consistent with the
public interest, the purposes underlying regulation, and applicable statutes.
- 14 (6) This matter came before the Commission at its regularly scheduled meeting on
September 24, 2020.
- 15 (7) After reviewing Toledo Telephone Co.'s Petition for Exemption and giving due
consideration to all relevant matters and for good cause shown, the Commission
finds that the requested exemption is in the public interest, consistent with the
purposes underlying the regulation and applicable statutes, and that it should be
granted.

ORDER

THE COMMISSION ORDERS:

- 16 (1) Toledo Telephone Co., Inc.'s Petition for Exemption in Docket UT-200776 is
granted.

- 17 (2) The Commission accepts Toledo Telephone Co., Inc.'s September 2, 2020, Petition for Support from the Washington State Universal Service Communication Program as timely filed.
- 18 (3) The Commission retains jurisdiction over the subject matter and Toledo Telephone Co., Inc. to effectuate the provisions of this Order.

Dated at Lacey, Washington, and effective September 24, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY BALASBAS, Commissioner