

**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-220626

ORDER 01

GRANTING PETITION FOR  
EXEMPTION

**BACKGROUND**

- 1 On August 22, 2022, 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 WAC 480-123-110(5) requires wireline communications companies to file any petitions for support from the state universal services communication program by August 2 each year. In its Petition for Exemption, Toledo Telephone Co. explains that, due to its Chief Operating Officer becoming gravely ill, it was not able to submit a Petition for Support for the Washington State Universal Communications Services Program in a timely fashion. Toledo Telephone Co.'s attorney became aware of this issue after being contacted by Commission staff (Staff).
- 3 On August 23, 2022, Toledo Telephone Co. filed its Petition for Support from the Washington State Universal Communications Services Program (Petition for Support) in Docket UT-220634. 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.”<sup>1</sup>

6 We agree that granting the requested exemption under these circumstances is appropriate. Toledo Telephone Co. indicates that the person responsible was gravely ill and unable to file the Petition for Support by the August 2 deadline. However, the Company has sought to correct this error and has filed the Petition for Support in Docket UT-220634. If granted, the Petition for Support would promote the goals of the state universal service fund (USF) by maintaining, enhancing, and 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.<sup>2</sup> 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.

7 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

- 8 (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.
- 9 (2) Toledo Telephone Co. has been designated an Eligible Telecommunications Carrier and is seeking universal service support.
- 10 (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.

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<sup>1</sup> WAC 480-07-110(2)(c).

<sup>2</sup> See In the Matter of the Petition of Toledo Telephone Company, Inc., Docket UT-160947 Order 01 (November 10, 2016).

- 11 (4) On August 22, 2022, Toledo Telephone Co. filed its Petition for Exemption from WAC 480-123-110(5).
- 12 (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.
- 13 (6) This matter came before the Commission at its regularly scheduled meeting on September 29, 2022.
- 14 (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:**

- 15 (1) The Toledo Telephone Co., Inc.'s Petition for Exemption in Docket UT-220626 is granted.
- 16 (2) The Commission accepts The Toledo Telephone Co., Inc.'s August 23, 2022, Petition for Support from the Washington State Universal Communications Services Program as timely filed.
- 17 (3) The Commission retains jurisdiction over the subject matter and The Toledo Telephone Co., 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 Lacey, Washington, and effective September 29, 2022.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**AMANDA MAXWELL**  
Executive Director and Secretary