

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

WASHINGTON UTILITIES AND)	DOCKETS UT-060762, UT-
TRANSPORTATION COMMISSION,)	060920 and UT-060921
)	(consolidated)
Complainant)	
)	ORDER 03
v.)	
)	INITIAL ORDER APPROVING
WESTGATE COMMUNICATIONS)	AND ADOPTING SETTLEMENT
LLC, d/b/a WEAVTEL,)	AGREEMENT SUBJECT TO
)	CONDITIONS, REQUIRING
Respondent.)	COMPLIANCE FILING
.....)	

1 *Synopsis: This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Washington Utilities and Transportation Commission (Commission) or allowed to become effective pursuant to the notice at the end of this Order. If this Initial Order becomes final the Commission will approve and adopt as its resolution of this proceeding a Settlement Agreement between WeavTel and Commission Staff. This Initial Order approves for WeavTel a Washington Carrier Access Plan Revenue Objective of \$253,572, subject to conditions. This Initial Order would make permanent the company’s tariff sheets filed in Dockets UT-060920 and UT-060921, and would remove the refund condition that applies to the company’s currently effective, temporary rates.*

SUMMARY

2 **PROCEEDINGS.** On May 10, 2006, in Docket UT-060762, Westgate Communications LLC, d/b/a WeavTel, filed with the Commission a petition for waiver of the notice and filing dates prescribed in Paragraph 8 of the Washington Carrier Access Plan (WCAP) as approved by the Commission in Docket UT-971140.¹ WeavTel also petitioned for approval of its proposed, company-specific Revenue Objective of \$738,443 under the WCAP.

¹ *WUTC v. Washington Exchange Carrier Association, et al.*, Docket UT-971140, Ninth Supplemental Order (June 28, 2000). Under the terms of the WCAP, WeavTel is eligible to participate in the interim Universal Service Fund pool and the Carrier Common Line (CCL) Access pool.

3 On June 2, 2006, in Docket UT-060920, WeavTel filed a replacement tariff to its
currently effective Tariff WN U-1, designated as WN U-2. The effect of the new
tariff would be to increase local rates, reduce switched access charges and eliminate
the vacation rate under Tariff WN U-1. On the same day, WeavTel filed in Docket
UT-060921 a new tariff designated as WN U-3 related to 911 services.

4 The stated effective date of the tariff sheets filed in Dockets UT-060920 and UT-
060921 was July 2, 2006. On June 23, 2006, WeavTel sent the Commission a letter
extending the July 2 effective date to July 15. On July 7, 2006, WeavTel sent the
Commission a letter extending the July 15, 2006, effective date to July 28, 2006.

5 The Commission set all of these matters for hearing and allowed the tariff changes to
go into effect on a temporary basis, with rates subject to refund, by Order 01, entered
on July 27, 2006.

6 On January 1, 2007, Staff filed on behalf of the parties a proposed full settlement of
these three dockets. The Commission conducted a settlement hearing before
Administrative Law Judge Dennis J. Moss on February 20, 2007.

7 **APPEARANCES.** Michael Kelley, Van Siclén, Stocks & Firkins, Auburn,
Washington, represents WeavTel. Donald T. Trotter, Assistant Attorney General,
Olympia, Washington, represents the Commission's regulatory staff (Staff).²

8 **DETERMINATIONS.** This Initial Order would have the Commission determine
each of the matters, as follows:

9 **WCAP Revenue Objective (Docket UT -060762).** WeavTel originally asked for a
WCAP Revenue Objective of \$738,443. The evidence the Company filed with the
Commission on November 30, 2006, nominally justified a \$429,341 amount. The
Settlement Agreement proposes that the Commission approve a WCAP Revenue
Objective of \$253,572.³ This Initial Order approves this amount, finding it supported
by the evidence presented, as discussed below.

² In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

³ Exhibit No. 1 (Settlement Agreement), ¶ 13 erroneously states the amount as \$253,272. The parties confirmed after the hearing that the correct amount is \$253,572.

- 10 ***Replacement Tariff (Docket UT-060920) General Rates and New Tariff (Docket UT-060921) Enhanced-911 Service.*** The Settlement Agreement proposes that the Commission approve the company's tariff sheets filed in Dockets UT-060920 and UT-060921 as permanent tariffs and rates, with the condition that Original Tariff Sheet No. 22.1 concerning enhanced or E-911 service will be replaced with Replacement Sheet No. 22.1, which the parties attached to their Settlement Agreement. The Commission previously allowed these tariffs to be effective on a temporary basis with rates subject to refund. This Initial Order approves the tariff sheets filed in Dockets UT-060920 and UT-060921 as permanent tariffs and removes the refund condition. This approval is subject to the condition that Replacement Tariff Sheet No. 22.1 will be filed in compliance with this Order.

MEMORANDUM

I. Background and Procedural History

- 11 Westgate Communications established WeavTel to provide local exchange telecommunications services to customers located in Stehekin, Washington, at the northern tip of Lake Chelan. There are relatively few potential customers located there, and the cost to serve is high because of the remote location.
- 12 On May 10, 2006, WeavTel petitioned for approval of a WCAP Revenue Objective, which is a required step prior to participation in the Washington Exchange Carrier Association (WECA) pool. The pool provides funds to subsidize local exchange carrier intrastate operations in high cost areas.⁴ Staff recommended to the Commission at its regularly scheduled Open Meeting on May 17, 2006, that an order be entered granting WeavTel's petition for waiver of notice and filing dates as set forth in paragraph 8 of the Washington Carrier Access Plan and establish an initial WECA pool revenue objective of \$738,443, as requested by the company.
- 13 The Commission did not accept Staff's recommendation and directed Staff to examine the prudence of the actions of the company, examine more closely the investment already made by WeavTel, and examine the reasonableness of its anticipated expenses. The Commission also required Staff to examine other instances

⁴ Participation in the WECA access pool is one form of state universal service support. State universal service support is generated through above-cost charges for access service provided by interexchange (IXC) carriers. The pool collects access charges from IXCs and distributes the money to pool members based on each company's Revenue Objective. Without the pool, some companies might have to charge several times the WECA terminating access charge rate.

of companies entering the WECA pool and to compare the relevant facts and circumstances to those presented by WeavTel's request. The matter was continued until June 6, 2006.

- 14 On June 6, 2006, Staff reported to the Commission at its regularly scheduled Open Meeting that Staff had completed most of the investigation requested by the Commission. Staff stated, however, that the start-up nature of the project resulted in Staff needing additional time to complete the due diligence necessary to support a final recommendation. The Commission deferred the matter for later consideration.
- 15 On July 26, 2006, at the Commission's regularly scheduled Open Meeting, Staff stated that WeavTel had been unable to provide audited financial statements needed to substantiate the company's actual level of investment. Staff stated, in addition, that WeavTel's projected expenses could not be determined accurately without more complete accounting records. Staff concluded that it could not recommend a Revenue Objective under such circumstances. Because WeavTel was continuing to develop additional information as the impending August 8, 2006, deadline for Commission action on the company's petition approached, Staff recommended that the Commission set the matter for hearing rather than deny the request altogether.
- 16 At the July 26, 2006, Open Meeting, Staff also brought forward its recommendation that the Commission take no action in two other dockets, one a filing by WeavTel in which the company sought to replace its then-effective Tariff WN U-1 with a new tariff designated Tariff WN U-2, the other seeking approval of a new Tariff WN U-3, providing rates, terms and conditions for E-911 service. By filing Tariff WN U-2, WeavTel sought among other things to increase its rates for residential service from \$16.00 to \$25.00 and for business service from \$32.00 to \$35.00. These tariffs would have become effective as permanent rates on July 28, 2006, as a matter of law, if the Commission accepted Staff's recommendation to take no action. The Commission, however, on its own motion, allowed the tariffs to become effective temporarily with rates subject to refund pending hearing.
- 17 On July 27, 2006, the Commission entered Order 01 in these proceedings, its Order Denying Petition for Waiver and Approval of Revenue Objective in Docket UT-060762; its Complaint and Order Suspending Tariff Revisions, Allowing Rates Subject to Refund in Dockets UT-060920 and UT-060921; and consolidating the three dockets for hearing.

- 18 The Commission conducted a prehearing conference before the undersigned Administrative Law Judge Dennis J. Moss on September 11, 2006.⁵ WeavTel pre-filed its direct evidence in support of its requests on November 28, 2006. Staff conducted discovery on the company's evidence, inspected the company's facilities in Stehekin, Manson, and Chelan, Washington, and conducted a review of the company's books and records located at the company's business office. On January 31, 2007, Staff filed on behalf of the parties a Settlement Agreement and requested the Commission to approve and adopt the settlement terms in full resolution of the issues pending in the subject dockets.⁶
- 19 The Commission gave notice on February 9, 2007, that it would conduct an evidentiary hearing concerning the proposed settlement on February 20, 2007. The company presented testimony and exhibits through one of its principles, Richard J. Weaver. Staff witness Tim Zawislak also testified. Documentary evidence in the form of eight exhibits, some with multiple subparts, was admitted into the record.

II. Discussion and Decisions

a. WCAP Revenue Objective (Docket UT -060762).

- 20 The company originally proposed a Revenue Objective of \$738,443, but reduced that figure to \$429,341 in its direct case.⁷ Staff's analysis found various amounts included in the Revenue Objective proposed by the company overstated. Staff found that a WCAP Revenue Objective of \$253,572 is justified, and that is the amount the parties agreed to propose for approval in Docket UT-060762.⁸
- 21 The WCAP provides a mechanism to subsidize the intrastate operations of rural local exchange carriers so that their local rates can remain affordable and comparable to those of other local exchange companies in Washington. The WCAP Revenue Objective proposed for approval in this case reflects the difference between WeavTel's revenue requirement of \$281,420 and total pro forma annual intrastate

⁵ Judge Moss learned after the prehearing conference that certain people who had previously filed comments in one or more of the subject dockets had not been served notice regarding the prehearing conference. Accordingly, the Commission gave notice on September 12, 2006, that interested persons would continue to have the opportunity to request receipt of all Commission notices and orders entered in the proceeding and that the opportunity for timely petitions to intervene would be extended until September 22, 2006. The Commission received no petitions for intervention.

⁶ The Settlement Agreement is attached to this order as an Appendix.

⁷ See generally, Exhibit Nos. 3-6.

⁸ Exhibit No. 1, ¶13.

operating revenues of \$27,848 that are anticipated to be recovered in rates under the company's replacement tariff, discussed below.⁹ This Revenue Objective, if approved, will expire on June 30, 2008, at which time WeavTel will be required to file for a new Revenue Objective giving the Commission an opportunity to review relevant facts and circumstances after more than a year of company operations. WeavTel is also expected to receive federal high cost loop funding by that time, which should reduce the amount of subsidy required from the Washington Carrier Access Plan.¹⁰

- 22 Staff provided, through joint testimony and various accounting exhibits filed with the company, details concerning the derivation of these figures and the resulting WCAP Revenue Objective. Attachment 1 to the parties' joint narrative in support of their Settlement Agreement shows the bases for the proposed \$253,572 Revenue Objective vis-à-vis the WeavTel's original request for nearly three times that amount, or \$738,443. According to the parties' joint narrative, the original request was based on certain intrastate cost studies performed by GVNW Consulting (GVNW). These studies apparently reflected significant flaws in the financial data, its analysis, or both. In its direct case filed in this proceeding on November 28, 2006, WeavTel presented a new Estimated Intrastate Cost Study based on an analysis performed by Johnson, Stone & Pagano, P.S. (JSP).¹¹ This reduced the company's revenue requirement by \$333,884, to \$429,335. WeavTel proposed a Revenue Objective of \$429,341.
- 23 Staff's analysis of WeavTel's direct case led it to make another \$147,915 in net adjustments, bringing the revenue requirement down to \$281,420.¹² One significant change was to reduce the amount reflected for "corporate operations" by \$117,638, eliminating more than half of the \$208,618 amount proposed for inclusion by the company. In addition, Staff reduced WeavTel's proposed return on investment by \$42,202, or more than 40 percent, to reflect the fact that the company is financed entirely by debt with a cost Staff established at 7.01 percent. WeavTel, by contrast, used in its analysis a 10.5 percent average rate of return, the basis and ostensible justification for which is not readily apparent from the record.

⁹ Exhibit No. 2 (joint narrative and analysis supporting Settlement Agreement), ¶ 39.

¹⁰ *Id.* ¶ 8.

¹¹ Exhibit No. 5.

¹² Staff's negative adjustments to WeavTel's asserted revenue requirement total \$174,835, a little more than 40 percent of the company's asserted revenue requirement of \$429,335. These are offset in part by Staff's addition of \$26,920 to reflect the costs the company is expected to incur in hiring a qualified employee responsible for regulatory compliance, as discussed below.

- 24 In sum, the record shows large differences between what WeavTel originally proposed, and even the company's significantly revised proposal in its direct case, and the result finally reached and to which the parties' agreed following Staff's review and analysis. This was due in significant part to the poor quality of the company's books and records, and the fact that those records did not conform to the Commission's rules. In addition, the company seemed not to understand the need to prepare and present a careful, well-documented case in support of its request for subsidies from the WECA pools. It is apparent in light of these facts why the parties provide in their settlement an amount to reflect the costs of a qualified person who will be responsible for regulatory compliance in the future, including any future filings seeking a new Revenue Objective. The parties also agree that WeavTel will continue to retain the services of a bookkeeper qualified to maintain the company's books consistent with the accounting requirements in WAC 480-120-359.¹³
- 25 Notably, the company secured professional assistance to update and improve its books and records during the course of Staff's investigation.¹⁴ Aldrich Kilbride & Tatone LLC, a firm that provides certified accounting services, issued an Independent Auditors' Report on July 19, 2006. The report states the firm's opinion that WeavTel's financial statements "present fairly, in all material respects, the financial position of Westgate Communications, LLC, dba WeavTel" in accordance with generally accepted accounting practices.¹⁵ Staff, after the matter was referred back for further investigation on May 17, 2006, thoroughly and carefully reviewed the company's books and records prior to agreeing with WeavTel on an appropriate amount for the company's Revenue Objective.¹⁶ Thus, the Commission may be more confident than at prior stages of this proceeding insofar as the amount of the Revenue Objective is concerned. The Commission finds a WCAP Revenue Objective of \$253,572 is supported by substantial competent evidence and concludes that amount should be used for WeavTel's initial entry in the WECA pools.
- 26 An important consideration in this connection is that the stated Revenue Objective will be in place for only a limited time, until June 30, 2008.¹⁷ If WeavTel seeks

¹³ The Settlement Agreement also requires that both the employee responsible for regulatory compliance and the bookkeeper will not be members of the Weaver family. The parties acknowledged at hearing that these employees, or contractors if appropriate, should not be financially interested in the Weaver family's closely held businesses. This order includes a condition reflecting this point.

¹⁴ Exhibit No. 2, ¶¶ 48-51.

¹⁵ Exhibit No. 3.

¹⁶ Exhibit No. 2, ¶¶ 26-40, 48-51.

¹⁷ Exhibit No. 1, ¶13.

further subsidies from the WECA pools for periods after June 30, 2008, the company's agreement to take advantage of the services of a professional bookkeeper familiar with the requirements of WAC 480-120-359 and a qualified employee to conduct the company's regulatory compliance obligations, should result in a more careful and accurate Revenue Objective proposal than the company made in its initial filing and even in its direct evidence in this proceeding. In addition, with more than a year of actual operations, there will be a body of actual data against which any request by the company can be meaningfully evaluated.

- 27 Although this Order approves a Revenue Objective as discussed above, thus allowing WeavTel to participate in the WECA pools, WeavTel's receipt of these funds should not be unconditional. Mr. Weaver testified that although WeavTel previously initiated service in Stehekin and had four subscribers to its service, the company has ceased providing service because it has run out of funds. Whatever the reason for its cessation of service, the key operative point is that WeavTel is not providing dial tone to customers in Stehekin at this time. This same fact was evident in the relatively recent case of Beaver Creek Telephone Company for which the Commission approved a Revenue Objective in June 2006 in Docket UT-060760. Consistent with the Commission's action in Docket UT-060760, it is appropriate to condition approval of a Revenue Objective for WeavTel. Accordingly, WeavTel must inform the Commission and WECA of the day dial tone resumes in the Stehekin exchange. In the meantime, WeavTel will be precluded from requesting or accepting payment from the WECA pools. If WeavTel is unable to provide dial tone in the Stehekin exchange prior to April 1, 2007, it must give notice to the Commission and WECA by April 15, 2007, of its intent to exit the pools on June 1, 2007.

b. Replacement Tariff (Docket UT-060920).

- 28 WeavTel filed tariffs in Docket UT-060920 designed to generate an additional \$3,072 annually, primarily by increasing basic exchange rates from \$26.50 to \$35.00 for business customers and \$14.00 to \$25.00 for residential customers. The Commission allowed these tariffs to go into effect with temporary rates subject to refund during the pendency of this proceeding. The Settlement Agreement would allow these temporary rates to become permanent rates, without a refund and removing the current refund condition.¹⁸

¹⁸ Exhibit No. 1, ¶ 11.

29 Staff states in the parties' joint narrative its view that the proposed rates are not excessive. Mr. Zawislak testified at hearing that Staff also considered the rates to be sufficient within the meaning of the Commission's statutory standards for evaluating rates as applied in the context of high cost companies such as WeavTel.¹⁹ He stated that the rates are in line with what the Commission has authorized other companies in similar circumstances to charge and in line with rates for telephone service generally. Comparability is a reasonable criterion when considering whether subsidized rates in a high cost area are fair, just, reasonable and sufficient, and whether rates are unduly preferential or discriminatory. Viewed in this fashion, WeavTel's rates satisfy the statutory standards. The Commission concludes that WeavTel's rates, now in effect as temporary rates subject to refund should be approved as permanent rates with no refund condition.

c. New Tariff (Docket UT-060921).

30 WeavTel filed a new tariff in Docket UT-060921 for enhanced E-911 services. The Commission allowed the tariff to go into effect with temporary rates subject to refund while this case is pending. The Settlement Agreement would allow modified rates to become the permanent rates, without a refund condition. These modified rates are contained in Attachment A to the Settlement Agreement.²⁰

31 Staff investigated the costs found in practice by the Washington State Military Department's Emergency Management Division (EMD) to be reasonable for E-911 service in Washington. Based on the results of its investigation, Staff proposed and the company agreed to file a replacement page to its E-911 tariff. Relative to the original tariff, the replacement page would:

- Eliminate charges for code recognition and automatic number identification, because there is no cost for these activities when performed by WeavTel's equipment.
- Replace the transport charges in the company's tariff (which are not based on WeavTel's costs) with charges based on actual cost billed to WeavTel by the carriers that provide the transport.
- Reduce the subscriber Line Data and Automatic Line Identification storage and retrieval charge from \$0.34 per line to \$0.10 per access line, per submission to the data base manager.

¹⁹ RCW 80.36.080.

²⁰ *Id.*, ¶ 12.

- Eliminate certain charges in WeavTel's proposed tariff that were based on WECA's E-911 tariff (WN U-2) because charges in the WECA tariff do not reflect costs that WeavTel will incur for E-911 service.

32 WeavTel also will not charge for transport of E-911 traffic from Stehekin to Manson. Calls from WeavTel's earth station in Stehekin to WeavTel's switch in Manson travel via satellite. There is no increased cost to WeavTel for this transport.

33 Staff and WeavTel recognize in their joint narrative that the company may incur some additional costs in the future related to E-911 services that are not covered by the rates they propose here. The Settlement Agreement provides that the company may submit a new tariff page for E-911 services after March 31, 2008. If the company makes such a filing, the Commission's normal tariff review process will apply and the Commission will determine whether the rates proposed at that time are fair, just and reasonable.

34 Based on Staff's review, as discussed in the joint narrative, it appears the Settlement Agreement's requirement that WeavTel must file a replacement tariff Sheet 22.1 is reasonable. This will bring the company's E-911 tariff in line with other, similar services provided in Washington. It appears from the record that the proposed revisions to the as-filed tariff will reflect costs. There is no evidence that any refunds are required for the brief period during which the as-filed tariff has been in effect on a temporary basis.

35 We find the proposed settlement satisfactorily resolves questions concerning the cost basis for WeavTel's E-911 tariff. Subject to the company making an acceptable compliance filing to replace original Tariff Sheet 22.1, as provided in the Settlement Agreement, the E-911 tariff sheets WeavTel filed in Docket UT-060921 should be approved as permanent tariffs and the permanent rates, once implemented via a compliance filing, should not be subject to refund.

FINDINGS OF FACT

36 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings and conclusions, the Commission now makes and enters the following summary of those facts, incorporating by reference pertinent portions of the preceding detailed findings:

- 37 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 38 (2) Westgate Communications, LLC d/b/a WeavTel is a telecommunications company and a public service company subject to the Commission's jurisdiction.
- 39 (3) A WCAP Revenue Objective for WeavTel of \$253,572 is supported by substantial competent evidence and is a reasonable and sufficient amount for the company's initial entry in the WECA pools.
- 40 (4) The Revenue Objective established in this proceeding will be in place for a limited time, until June 30, 2008.
- 41 (5) Although WeavTel previously initiated service in Stehekin and had four subscribers to its service, the company had ceased providing service as of the time of hearing.
- 42 (6) The tariffs filed in Dockets UT-060920 and UT-060921, once modified on compliance so as to replace Tariff Sheet 22.1 in Tariff WN U-3, reflect rates that are fair, just, reasonable and sufficient.

CONCLUSIONS OF LAW

43 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law, incorporating by reference pertinent portions of the preceding detailed conclusions:

- 44 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to these proceedings. *Title 80 RCW.*
- 45 (2) The Commission should approve a WCAP Revenue Objective for the company of \$253,572, subject to the condition that WeavTel must inform the Commission and WECA of the day dial tone resumes in the Stehekin exchange. In the meantime, WeavTel should neither request nor accept any payment from the WECA pools.

- 46 (3) The Commission should require that if WeavTel is unable to provide dial tone in the Stehekin exchange prior to April 1, 2007, it must give notice to the Commission and WECA by April 15, 2007, that the company will exit the pools on June 1, 2007.
- 47 (4) The tariffs filed by the company in Docket UT-060920, which reflect the company's currently effective rates previously approved for temporary application subject to refund, are fair, just, reasonable and sufficient, and should remain in effect as permanent rates without a refund condition.
- 48 (5) WeavTel's currently effective tariff sheets governing E-911 service should remain in effect as permanent tariffs, subject to the condition that WeavTel will file a replacement Tariff Sheet 22.1, as included in Attachment A to the Settlement Agreement, which will state permanent rates that are fair, just, reasonable and sufficient for E-911 service.

ORDER

THE COMMISSION ORDERS:

- 49 (1) The Settlement Agreement filed by Commission Staff on behalf of the parties on January 31, 2007, which is attached to this Order as an Appendix and incorporated by this reference as if set forth in full in the body of this Order, is approved and adopted in full resolution of the issues in this proceeding, subject to the conditions stated in this Order.
- 50 (2) A WCAP Revenue Objective for the company of \$253,572 is approved, subject to the conditions that:
- WeavTel must inform the Commission and WECA of the day dial tone resumes in the Stehekin exchange.
 - Prior to reinitiating service in the Stehekin exchange WeavTel will neither request nor accept any payment from the WECA pools.
 - If WeavTel is unable to provide dial tone in the Stehekin exchange prior to April 1, 2007, it must give notice to the Commission and

WECA by April 15, 2007, that the company will exit the pools on June 1, 2007.

- 51 (3) WeavTel will employ the services of a qualified person who will be responsible for regulatory compliance in the future, including any future filings seeking a new Revenue Objective and will continue to retain the services of a bookkeeper qualified to maintain the company's books consistent with the accounting requirements in WAC 480-120-359. Neither of these individuals may be related to members of Richard L. Weaver's family or financially interested in Westgate Communications LLC, or other businesses in which members of the Weaver family are principles.
- 52 (4) The tariffs filed by the company in Docket UT-060920, which reflect the company's currently effective rates for service previously approved for temporary application subject to refund, are approved as permanent rates without a refund condition.
- 53 (5) WeavTel's currently effective tariff sheets governing E-911 service are approved subject to the condition that WeavTel must make a compliance filing to replace Tariff Sheet 22.1, as included in Attachment A to the Settlement Agreement included in this order as an Appendix. The rates set forth on replacement Tariff Sheet 22.1 will not be subject to refund.

Dated at Olympia, Washington, and effective March 1, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition To Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition To Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 81.01.060(3), as amended in the 2006 legislative session, provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and eight copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

APPENDIX