

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	
XO Washington, Inc., TCG Oregon, TCG Seattle,	)	DOCKET UT-010333
Pac-West Telecomm, Inc., Global Crossing Local	)	
Service, Inc., AT&T Communications of the Pacific	)	
Northwest, Inc., and Advanced TelCom Group,	)	ORDER GRANTING WAIVER
Inc., (“Joint Petitioners”),	)	OF RULE
	)	
For Waiver or Modification of RCW 80.36.150 and	)	
WAC 480-120-027(3).	)	
.....	)	

**BACKGROUND**

1 On March 8, 2001, the Joint Petitioners filed a petition asking that the WUTC waive the provisions of RCW 80.36.150 and WAC 480-120-027(3) or grant other relief and modifications of the rule as the WUTC sees fit.

2 RCW 80.36.150 requires contracts for telecommunications services to be filed “as and when required by the commission.” The WUTC has specific filing requirements for contracts for competitive services in WAC 480-120-027.<sup>1</sup> Subsection (3) governs the contracts of the Joint Petitioners and requires that contracts be filed within five days after execution.

3 On March 28, the WUTC acted on a similar petition by Electric Lightwave, Inc, in Docket UT-001711. In that case, the WUTC permitted Electric Lightwave to file contracts 10 days before the stated effective date of the contract, which is the same filing requirement as applies to competitive services of incumbent local exchange companies. The waiver also allows Electric Lightwave further flexibility to file contracts up to 15 days after their stated effective date, but only if the contract includes a provision permitting the WUTC to reject a contract within the first 15 days after it is filed.

4 On May 9, 2001, the WUTC staff recommended that the petition be denied in Docket UT-010333. Staff argued that the petitioners’ request could result in an undue competitive advantage and could impair the WUTC’s ability to reject improper contracts as provided for in RCW 80.36.150. Staff said it would support a waiver consistent with the one granted in Docket UT-001711 for the Joint Petitioners and any other local exchange company. In response to a request from the Joint Petitioners, the WUTC delayed action on the petition.

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<sup>1</sup>WAC 480-120-027 has since been recodified and is now WAC 480-80-035.

5 After the May 9, 2001, meeting, petitioners XO Washington, Inc., Pac-West  
Telecomm, Inc., Global Crossing Local Service, Inc., and Advanced TelCom Group,  
Inc., requested a waiver consistent with that granted in Docket UT-001711. AT&T of  
the Pacific Northwest, Inc., TCG Oregon, and TCG Seattle withdrew their waiver  
requests.

**FINDINGS**

- 6 (1) XO Washington, Inc., Pac-West Telecomm, Inc., Global Crossing Local  
Service, Inc., and Advanced TelCom Group, Inc., are public service  
companies subject to the jurisdiction of this Commission under the provisions  
of chapter 80.36 RCW.
- 7 (2) The waiver of WAC 480-80-035(3)(a), with an alternative filing requirement,  
is reasonable and consistent with the public interest and should therefore be  
approved.

**ORDER**

THE COMMISSION ORDERS;

8 After the effective date of this order, XO Washington, Inc., Pac-West Telecomm, Inc.,  
Global Crossing Local Service, Inc., and Advanced TelCom Group, Inc., are granted a  
waiver of the filing deadline in WAC 480-80-035(3)(a). Instead, the following  
provision applies to contracts that must be filed with the Commission:

9 The Company must file any contract at least 10 days before its stated effective date,  
unless the contract includes a provision allowing the Commission to reject the  
contract during the first 15 days after it is filed. If such a provision is included, the  
contract must be filed within 15 days after its stated effective date.

10 This waiver, unless revoked earlier by the WUTC, expires on the earlier of April 1,  
2002, or the effective date of the next revision to WAC 480-80-035.

DATED at Olympia, Washington, and effective this 30th day of May, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary