

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

In the Matter of the Petition of)	DOCKET UT-090511
)	
FIRST COMMUNICATIONS. LLC,)	ORDER 02
)	
Petitioner,)	
)	
Seeking Exemption from the Provisions)	
of WAC 480-120-382 Requiring)	
Competitively Classified)	ORDER GRANTING EXEMPTION
Telecommunications Companies to File)	FROM RULE; GRANTING COMPANY
the 2008 Annual Report no later than)	ADDITIONAL TIME TO FILE
May 1, 2009)	ANNUAL REPORT
.....)	

BACKGROUND

- 1 On June 1, 2009, First Communications. LLC (FirstCom or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for an extension of time to file its annual report for 2008 as required by [WAC 480-120-382](#). According to FirstCom, it is unable to prepare the report due to the fact that the Company’s audit will not be completed until later this month. FirstCom seeks an extension until July 1, 2009.
- 2 Commission Staff reviewed the request and recommended granting FirstCom’s request for exemption.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including competitively classified telecommunications companies. [RCW 80.01.040](#), [RCW 80.04](#) and [RCW 80.36](#).
- 4 (2) FirstCom is a competitively classified telecommunications company and a public service company subject to Commission jurisdiction.
- 5 (3) FirstCom is subject to [WAC 480-120-382](#), which requires competitively classified telecommunications companies to file an annual report no later than May 1 of each year.

- 6 (4) Under WAC [480-120-015](#), the Commission may grant an exemption from any rule in WAC [480-120](#), if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also* [WAC 480-07-110](#).
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on June 11, 2009.
- 8 (6) After review of the petition in Docket UT-090511 by FirstCom filed on June 1, 2009, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

O R D E R

THE COMMISSION ORDERS:

- 9 (1) The request by First Communications. LLC for an exemption from WAC 480-120-382 and for an extension until July 1, 2009, to file its 2008 annual report is granted.
- 10 (2) Failure by First Communications. LLC to file its annual report by July 1, 2009, may result in the Commission invoking [RCW 80.04.405](#), which allows the Commission to assess penalties for violations of statute, rules and Commission orders.
- 11 (3) The Commission retains jurisdiction over the subject matter and First Communications. LLC to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 11, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary