

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

In the Matter of)	DOCKET UT-060676
Amending, Adopting, and Repealing)	
Rules Relating to)	GENERAL ORDER R-540
)	
WAC 480-80, 480-120, and 480-121,)	ORDER CORRECTING TEXT OF
)	WAC 480-120-161(4)(e) and WAC
Relating to Eliminating the)	480-120-266 SUBMITTED FOR
Requirement that Telecommunications)	ADOPTION
Companies File Price Lists)	
)	
.....)	

1 On March 27, 2007, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser an Order Amending and Adopting Rules Permanently in certain sections of chapters 480-80, 480-120 and 480-121 of the Washington Administrative Code (WAC), relating to eliminating the requirement in rules that telecommunications companies file price lists to implement statutory changes. The Commission took this action to revise rules consistent with changes to RCW 80.36.010, RCW 80.36.110, RCW 80.36.320, RCW 80.36.330 and the enactment of RCW 80.36.333 and RCW 80.36.338 during the 2006 legislative session, and pursuant to the Commission’s authority to adopt rules under RCW 80.01.040 and RCW 80.04. The Order is filed at WSR # 07-08-027. The effective date for the amendment and adoption of the rules is May 21, 2007.

2 Recently, the Commission learned that an intended deletion of a phrase from subsection (4)(e) of WAC 480-120-161 as published at WSR #07-08-027, was erroneously included in the rule submitted for adoption. The phrase that should have been deleted from subsection (4)(e) of WAC 480-120-161 is set out below in italics:

WAC 480-120-161 Form of bills.

(4) Bill organization. ...

(e) The telephone bill must include the internet address (uniform resource locator) of the web site containing the service provider's tariff pursuant to WAC 480-120-193 (Posting of tariffs for public inspection and review). This requirement may be satisfied by including the address of a web site other than that of the telecommunications company itself, if the web site provides access to the tariff *or information about competitively classified services* that applies to the service being billed.

- 3 In addition, the Commission also learned that a subsection intended to be included as subsection (2) of WAC 480-120-266 was inadvertently omitted from the rule submitted for adoption. The language that should have been included as subsection (2) of WAC 480-120-266 is set out below in italics:

WAC 480-120-266 Information about telecommunications services provided pursuant to competitive classification. (1) Rates, terms and conditions for telecommunications services offered pursuant to competitive classification must conform to all applicable laws, rules, and orders.

(a) The commission does not review or approve rates, terms and conditions of services offered pursuant to competitive classification.

(b) The commission will, when appropriate, investigate or complain against a rate, term or condition provided pursuant to competitive classification.

(c) If the commission determines that a rate, term or condition for service offered pursuant to competitive classification is ambiguous, there is a rebuttable presumption that the ambiguity should be construed in the favor of the customer unless the rate, term or condition was not proposed by the company.

(2) Following an inquiry or complaint from the public concerning rates, terms and conditions for competitive

telecommunications services, a carrier shall specify where to obtain pertinent information, and how to contact the commission.

(3) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

- 4 Failure to delete the phrase, *or information about competitively classified services*, from WAC 480-120-161(4)(e), and to include the language in WAC 480-120-266(2), above, submitted to the Code Reviser with the Adoption Order constitute an oversight. Accordingly the Commission enters this Order to correct the rules by deleting the phrase from WAC 480-120-161(4)(e) and adding the language in subsection (2) of WAC 480-120-266. A copy of the corrected rules is attached to this Order as Appendix A.

DATED at Olympia, Washington, April 20, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner