

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

In the Matter of the Request of	)	DOCKET NO. UT-031116
	)	
QWEST CORPORATION,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
For Less Than Statutory Notice in	)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions.	)	STATUTORY NOTICE
.....	)	

**BACKGROUND**

- 1     On July 10, 2003, Qwest Corporation (Qwest), filed with the Commission revisions to its currently effective Tariff WN U-40, designated as Revised Sheet 48. On July 28, 2003, Qwest filed substitute pages lowering the request to \$8.00, consistent with the Commission’s decision in Docket UT-031033. The filing is made to reflect the new monthly rate Washington Telephone Assistance Program (WTAP) customers will pay for service.
- 2     RCW 80.36.110 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheets bear an inserted effective date of August 9, 2003. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revisions become effective August 1, 2003. Qwest stated the reason for less than statutory notice is to comply with a request made by Commission Staff. Commission Staff notified local exchange carriers that the monthly rate WTAP customers would pay for service would be determined at the open meeting held July 24, 2003, and become effective August 1, 2003.
- 3     WAC 480-120-194 requires notification to customers or publication of the increase sought in this filing. Granting the Company’s less than statutory notice request also requires an exemption from WAC 480-120-194. For the same reason(s) listed for seeking less than statutory notice, the Company seeks an exemption from notice requirements. The Department of Social and Health Services (DSHS) notified affected customers of the proposed increase in the monthly rate for service. The notice to affected customers was sent more than 30 days in advance of the effective date, and informed WTAP participants that the proposed rate for service was \$9.00, \$1.00 higher than what was approved by the Commission on July 24, 2003.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than  
statutory notice is consistent with the public interest, it is appropriate that the  
Commission grant Qwest's request with an effective date of August 1, 2003.

### FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the  
State of Washington vested by statute with the authority to regulate rates,  
regulations, practices, accounts, securities, and transfers of public service  
companies, including telecommunications companies. *RCW 80.01.040; Chapter  
80.04 RCW; and Chapter 80.36 RCW.*
- 6 (2) Qwest is a telecommunications company and is a public service company subject  
to the jurisdiction of the Commission.
- 7 (3) Qwest is subject to the provisions of RCW 80.36.110 and WAC 480-80-121  
requiring telecommunications companies to file changes in any rate or charge  
with thirty days' notice. For good cause shown, however, the Commission may  
allow changes without requiring thirty days' notice by order specifying the  
changes to be made and the time when it shall take effect. *WAC 480-80-122.*
- 8 (4) WAC 480-120-015 provides that the Commission may grant an exemption from  
the provisions of any rule in Chapter 480-120 WAC, if consistent with the public  
interest, the purposes underlying regulation and applicable statutes.
- 9 (5) Staff has reviewed the request in Docket UT-031116 and recommended the less  
than statutory notice request of Qwest be granted. Staff further recommended the  
Commission grant an exemption to WAC 480-120-194. Notification to affected  
customers was made by DSHS more than 30 days in advance of the effective date,  
and informed WTAP participants that the proposed rate for service was higher  
than what was approved by the Commission on July 24, 2003.
- 10 (6) This matter was brought before the Commission at its regularly scheduled  
meeting on July 31, 2003.

- 11 (7) After examination of the proposed tariff revisions filed by Qwest on July 10, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective August 1, 2003.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements.

### **ORDER**

#### THE COMMISSION ORDERS:

- 13 (1) The request sought by Qwest Corporation for less than statutory notice is granted.
- 14 (2) After the effective date of this Order, Qwest Corporation is granted an exemption from WAC 480-120-194, Publication of proposed tariff changes to increase charges or restrict access in service.

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

DATED at Olympia, Washington, and effective this 31<sup>st</sup> day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary