

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

In the Matter of the Request of the	)	DOCKET UT-110891
	)	
WASHINGTON EXCHANGE	)	ORDER 01
CARRIER ASSOCIATION,	)	
	)	
Petitioner,	)	
	)	ORDER GRANTING LESS THAN
For Less Than Statutory Notice in	)	STATUTORY NOTICE; ALLOWING
Connection with Tariff Revisions	)	TARIFF REVISIONS
.....	)	

**BACKGROUND**

1 On May 16, 2011, the Washington Exchange Carrier Association (WECA) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-1, designated as the following:

Ninth Revision of Sheet No. 1  
Ninth Revision of Sheet No. 3  
Sixteenth Revision of Sheet No. 9  
Eighth Revision of Sheet No. 9.1

2 RCW 80.36.110 and WAC 480-120-121 require thirty days' notice to the Commission together with published notice prior to the effective date of the tariff. The tariff sheets bear an effective date of October 1, 2011. This date recognizes the required 30-day statutory notice. WECA requests, however, less than statutory notice as permitted by WAC 480-80-122, and that the revisions become effective May 29, 2011.

3 WECA requests less than statutory notice so that the changes ordered in the Commission Order 14 in Docket UT-100820 are appropriately reflected in the WECA Tariff WN U-1 and are consistent with CenturyLink's April 29, 2011, compliance filing (Advice No. WA 11-12A) in Docket UT-100820 which is also scheduled to become effective May 29, 2011.

4 WAC 480-120-194 requires thirty days notice to customers or publication of the increase sought in this filing. Granting WECA's less than statutory notice request also requires an exemption from WAC 480-120-194. For the same reasons WECA identified for seeking less than statutory notice, it seeks an exemption from the notice requirements.

5 WECA also requests, to the extent necessary, that the Commission grant a limited waiver from an inconsistent provision (paragraph 8) of the Washington Carrier Access Plan (WCAP) referred to in WAC 480-120-352(7).

6 Since the proposed tariff revisions appear to be fair, just, and reasonably consistent with the WCAP; and less than statutory notice is consistent with the public interest in this case; it is appropriate that the Commission grant WECA's request with an effective date of May 29, 2011.

### **FINDINGS AND CONCLUSIONS**

7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including telecommunications companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.36.*

8 (2) WECA is an association of telecommunications companies that are public service companies subject to Commission jurisdiction and WECA is subject to Commission jurisdiction including WAC 480-120-352.

9 (3) RCW 80.36.110, WAC 480-80-121, and WAC 480-120-194, require telecommunications companies to file changes in any rate, charge or service 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 the Order shall take effect. *WAC 480-80-122.*

10 (4) Under WAC 480-120-015, the Commission may grant an exemption from the provisions of 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.*

11 (5) Staff has reviewed WECA's request in Docket UT-110891 and recommends the Commission grant the request for less than statutory notice. Staff further recommends the Commission grant exemptions from WAC 480-120-194 and

WAC 480-120-352(7) in the WCAP paragraph 8, to the extent necessary in order to be consistent with and to carry out the intent of Order 14 in Docket UT-100820.

- 12 (6) This matter came before the Commission at its regularly scheduled meeting on May 26, 2011.
- 13 (7) After reviewing WECA's proposed tariff revision filed on May 16, 2011, and giving due consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective May 29, 2011.
- 14 (8) The Commission also finds WECA should be granted an exemption from the customer notice requirements and paragraph 8 of the WCAP to the extent necessary in order to be consistent with and to carry out the intent of Order 14 in Docket UT-100820.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 15 (1) The Washington Exchange Carrier Association's (WECA's) request for less than statutory notice is granted.
- 16 (2) After the effective date of this Order, WECA is granted an exemption from WAC 480-120-194, which requires thirty days notice to customers of proposed changes to increase charges.
- 17 (3) The tariff revisions WECA filed on May 16, 2011, will be effective on May 29, 2011.

18 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.<sup>1</sup>

DATED at Olympia, Washington, and effective May 26, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

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<sup>1</sup> The Commission notes that CenturyLink has filed a complaint in U.S. District Court for the Western District of Washington, Case No. 2:11-CV-00633 (“Complaint”) challenging certain portions of Order 14 in Docket UT-100820. Nothing in today’s Order should be construed as a waiver of any position the Commission has taken or may take in response to the Complaint, including but not limited to taking the position that any judicial decision invalidating any part of Order 14 must result in a remand to the Commission to determine whether and under what conditions the Commission should approve the Joint Application to approve the transfer of control of Qwest to CenturyLink.