

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Petition of

LTE WIRELESS INC.

For Registration and Competitive
Classification as a Telecommunications
Company.

DOCKET UT-180709

ORDER 01

GRANTING MOTION FOR LEAVE
TO WITHDRAW PETITION,
CANCELLING HEARING, AND
CLOSING DOCKET

BACKGROUND

- 1 On August 23, 2018, LTE Wireless Inc. (LTE Wireless or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for registration and competitive classification as a telecommunications company (Petition).
- 2 On September 21, 2018, the Commission issued a Notice of Intent to Deny Petition for Registration and Notice of Hearing, set for Tuesday, October 16, 2018, at 9:30 a.m. (Notice). The factual allegations in the Notice stated a number of defects with the Petition, which Commission staff (Staff) attempted to resolve with the Company.¹ Unable to resolve these defects, Staff recommended that the Commission deny the Petition.²
- 3 The Notice stated that the “Commission agree[d] with Staff’s recommendations and [would] deny the Petition unless the Company provide[d] evidence to disprove the allegations or otherwise remedy the deficiencies in the Petition.”³
- 4 **MOTION TO WITHDRAW.** On September 24, 2018, LTE Wireless filed a letter in this docket, requesting to withdraw the Petition without prejudice. Because this matter is

¹ *In re Petition of LTE Wireless Inc. for Registration and Competitive Classification as a Telecommunications Company*, Docket UT-180709, Notice of Intent to Deny petition for Registration and Notice of Hearing, 2, ¶¶ 6-8 (Sept. 21, 2018).

² *See id.*

³ *Id.* at 2, ¶ 9.

an adjudicative proceeding, the Commission construes the Company's letter as a petition for leave to withdraw its Petition.⁴

DISCUSSION AND DECISION

- 5 Washington Administrative Code (WAC) 480-07-380(3)(a) states that a party must receive permission from the Commission to withdraw a petition after the Commission has already issued a hearing notice.
- 6 Pursuant to WAC 480-07-380(3)(b), the Commission will grant a party's motion to withdraw a petition when the requested withdrawal is in the public interest.
- 7 The Commission issued a Notice on September 21, 2018, setting a hearing in this docket. In that Notice, the Commission indicated it intended to deny the Petition unless the Company remedied the deficiencies therein. The Company's request to withdraw the Petition resolves the disputed issues raised by the Notice. Granting the Company's request to withdraw would conclude this matter without the further expenditure of public resources on litigation expenses.
- 8 The Commission finds it in the public interest to permit the withdrawal of the Petition and cancel the brief adjudicative proceeding. The Commission, therefore, grants the Petition for leave to withdraw, cancels the hearing, and closes this docket.

ORDER

THE COMMISSION ORDERS:

- 9 (1) LTE Wireless Inc.'s motion to withdraw its petition in Docket UT-180709 is granted without prejudice.
- 10 (2) The hearing set for Tuesday, October 16, 2018, at 9:30 a.m. is cancelled.
- 11 (3) Docket TV-180709 is closed.

⁴ The Commission liberally construes filings to effect just results. WAC 480-07-395(4).

DATED at Olympia, Washington, and effective September 25, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANDREW J. O'CONNELL
Administrative Law Judge