

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET UT-200786
PEND OREILLE TELEPHONE COMPANY, d/b/a RTI,	ORDER 01
Petitioner,	GRANTING PETITION FOR EXEMPTION
For an Exemption from WAC 480-123- 110(5)	

BACKGROUND

- 1 On September 8, 2020, Pend Oreille Telephone Company, d/b/a RTI, (Pend Oreille or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for an Exemption from WAC 480-123-110(5) (Petition for Exemption).
- 2 In its Petition, Pend Orielle explains that, due to a delay in communication from an outside consultant and the absence of key Company staff from the office, the Company was not able to submit a Petition for Support from the Washington State Universal Service Communication Program in a timely fashion. Pend Orielle's attorney became aware of this issue after being contacted by Commission staff (Staff). The Company states that it was unaware of the possibility of seeking an exemption from the August 2 deadline for a Petition for Support until its attorney advised it of this possibility.
- 3 On September 8, 2020, Pend Oreille filed its Petition for Support from the Washington State Universal Service Communication Program (Petition for Support) in Docket UT-200785. A copy of the Petition for Support is attached as Exhibit 1 to the Company's Petition for Exemption.
- 4 Commission staff (Staff) supports the Company's Petition for Exemption from WAC 480-123-110(5).

DISCUSSION

- 5 WAC 480-07-110 provides that the Commission “may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.” The Commission will consider factors such as “whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.”¹
- 6 A wireline communications provider may petition the Commission to receive support from the state universal services communication program for the following year.² Pursuant to WAC 480-123-110(5), a communications provider must file this petition no later than August 2 each year.
- 7 We agree that granting the requested exemption under these circumstances is appropriate. Pend Oreille describes miscommunications resulting in its missing the August 2 deadline for its Petition for Support. However, the Company has sought to correct this error and has filed the Petition for Support in Docket UT-200785. If granted, the Petition for Support would promote the goals of the state universal service fund (USF) by maintaining, enhancing, or providing broadband and telecommunication services in rural areas. The Commission has previously approved distributions from the USF to Pend Oreille in the past, finding this consistent with the public interest.³ Denying the Petition for Support solely because it was not filed by the due date would be contrary to both the purposes underlying the rule and the public interest. The Commission should consider the Petition for Support on its merits with the goal of expanding the availability of broadband and telecommunications services in rural areas.
- 8 Accordingly, we find that the requested exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes, and conclude that it should be granted.

¹ WAC 480-07-110(2)(c).

² WAC 480-123-110(1).

³ See *In the Matter of the Petition of Pend Oreille Telephone Company*, Docket UT-160942 Order 01 (November 10, 2016).

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission has jurisdiction over the subject matter of this order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. § 54.201(b)-(c), and WAC 480-123.
- 10 (2) Pend Oreille has been designated an Eligible Telecommunications Carrier and is seeking universal service support.
- 11 (3) WAC 480-123-110(5) requires companies to file petitions for support from the universal service fund no later than August 2 each year.
- 12 (4) On September 8, 2020, Pend Oreille filed its Petition for Exemption from WAC 480-123-110(5).
- 13 (5) Under WAC 480-07-110(1), the Commission may grant an exemption from the provisions of any rule in Chapter 480-70 WAC if doing so consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 14 (6) This matter came before the Commission at its regularly scheduled meeting on September 24, 2020.
- 15 (7) After reviewing Pend Oreille's Petition for Exemption and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the requested exemption is in the public interest, consistent with the purposes underlying the regulation and applicable statutes, and that it should be granted.

ORDER

THE COMMISSION ORDERS:

- 16 (1) Pend Oreille Telephone Company, d/b/a RTI's Petition for Exemption in Docket UT-200786 is granted.
- 17 (2) The Commission accepts Pend Oreille Telephone Company, d/b/a RTI's September 8, 2020, Petition for Support from the Washington State Universal Service Communication Program as timely filed.
- 18 (3) The Commission retains jurisdiction over the subject matter and Pend Oreille Telephone Company, d/b/a RTI, to effectuate the provisions of this Order.

Dated at Lacey, Washington, and effective September 24, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY BALASBAS, Commissioner