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

8 In the Matter of the Petition of:

9 ASOTIN TELEPHONE COMPANY, LEWIS
10 RIVER TELEPHONE COMPANY, and
11 MCDANIEL TELEPHONE COMPANY,
12 ALL THREE DOING BUSINESS AS TDS
13 TELECOM

14 For Minimal Regulation of Bundled
15 Telecommunications Services

DOCKET NO. UT-072101

PETITION FOR AMENDMENT OF ORDER 01
REGARDING ANNUAL OFFICER
CERTIFICATION REQUIREMENTS

16 On October 26, 2007, Asotin Telephone Company, Lewis River Telephone Company and McDaniel
17 Telephone Company each doing business as TDS Telecom (for purposes of this Petition,
18 collectively "TDS") petitioned for authority for minimal regulation of packages or bundles of
19 telecommunications services under RCW 80.36.332.

20 RCW 80.36.332 states that the Commission shall grant such a petition where:

- 21 (1) Each noncompetitive service in the packages or bundle is readily available to customers at
22 fair, just and reasonable prices;
- 23 (2) The price of the package or bundle is equal to or greater than the cost for the tariffed
24 services plus the cost of any competitive services that is under RCW 80.36.330(3); and

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26 PETITION FOR AMENDMENT OF ORDER 01
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1 (3) The availability and price of the stand-alone noncompetitive services are displayed in the
2 company's tariff or on its web site consistent with Commission rules. It should be noted that RCW
3 80.36.330(3) requires prices and rates for competitively classified services to cover their costs.

4
5 Order 01 in this Docket granted TDS's Petition on November 28, 2007. Order 01 requires each
6 TDS company to annually certify compliance with the Order and RCW 80.36.332.

7
8 Certification forms are provided by Commission Staff to each affected company requesting such
9 certification. When the form is signed, it is filed with the Records Center referencing Docket UT-
10 072101.

11
12 In discussions with Commission Staff, TDS has learned that Staff believes it has sufficient means to
13 ensure compliance with RCW 80.36.332 without the annual certification. Those tools include
14 audits and the review of tariffs.

15
16 The telecommunications landscape has changed significantly since 2007. Companies, including the
17 TDS companies, have incurred loss of access lines from competition. In addition, the TDS
18 companies are facing earnings pressure. These factors minimize the likelihood of selling bundles
19 below cost. The value of the minimal regulation for bundles is that the minimal regulation permits
20 companies to react to market pressures and offer competitively priced bundled telecommunications
21 services.

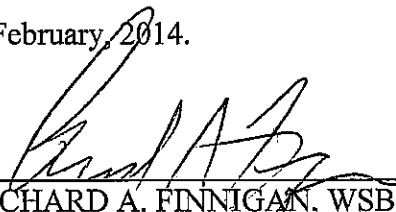
22
23 The elimination of the annual certification requirement would not affect any of the other
24 requirements in Order 01. TDS companies would remain subject to and would continue to comply

1 with RCW 80.36.332 and all of the remaining requirements of Order 01.

2
3 Under RCW 80.36.332(3), the Commission has authority to waive any regulatory requirement with
4 respect to packages or bundles of telecommunications services if it finds that requirement is no
5 longer necessary to protect the public interest. Pursuant to RCW 80.04.210 and under WAC 480-
6 07-875, the Commission has authority to amend any of its orders. Under that statute and rule,
7 notice to the public service company is required, along with the opportunity for hearing. Since the
8 TDS companies are the only parties to the docket, the TDS companies request that this Petition be
9 deemed to be notice under the statute and rule. Further, the TDS companies waive the opportunity
10 for hearing under RCW 80.04.210 and WAC 480-07-875. Nor does there appear to be a need to
11 reopen the record in this docket.¹ The certification requirement was imposed as a cautionary
12 requirement and can be removed if the Commission finds the requirement is no longer necessary to
13 protect the public interest.

14
15 The TDS companies respectfully request that the Commission find that annual certification is no
16 longer required to protect the public interest and, further, that the Commission amend Order 01 to
17 eliminate the requirement that the TDS companies provide annual certification.

18
19 Respectfully submitted this 26th day of February, 2014.

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23 RICHARD A. FINNIGAN, WSB #6443
24 Attorney for Asotin Telephone Company, Lewis River
25 Telephone Company and McDaniel Telephone Company

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¹ If the Commission believes the record needs to be reopened, TDS has no objection.