

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Petition of)	
)	DOCKET NO. UT-010491
Touch America, Inc., and)	
Touch America Services, Inc.,)	
)	ORDER GRANTING WAIVER
For Waiver of WAC 480-120-139)	OF WAC 480-120-139
and WAC 480-143-210)	
.....)	

BACKGROUND

1 On April 12, 2001, Touch America, Inc., (TAI) and Touch America Services, Inc., (TASI) filed a petition requesting waivers of WAC 480-120-139 and WAC 480-143-210 for the transfer of assets and of intrastate intraLata and interLata toll customers from TASI to TAI.

DISCUSSION

2 The reason for these requests is a purchase agreement between TAI and Qwest Communications International, Inc., (Qwest). As part of this agreement, TAI purchased TASI from Qwest, which results in transferring TASI's customers and its remaining assets to TAI. Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," TASI would not be able to submit a change in a customer's intrastate toll service without confirming the customer's authorization in accordance with requirements in the rule.

3 WAC 480-143-210, "Transfer customer notice requirements" prohibits telecommunications carriers from initiating or effecting a change in a customer's primary interexchange carrier or local exchange company without first notifying each individual customer.

4 On August 12, 1997, TRI Touch America, Inc., (TRI) was granted competitive classification in Docket UT-960984. Under this classification, TRI received a waiver of WAC 480-143, Transfers of Property. On May 18, 2000, TRI changed its name to Touch America, Inc.

- 5 On June 13, 2001, the Commission entered an order amending Touch America, Inc.'s registration and granting competitive classification to include local exchange services, alternate operator services and prepaid calling services in Docket UT-940148.
- 6 In addition, on May 30, 2000, TeleDistance, Inc., (TeleDistance) was granted competitive classification in Docket UT-000248. Under this classification, TeleDistance received a waiver of WAC 480-143, Transfers of Property. On July 10, 2000, TeleDistance changed its name to Touch America Services, Inc.
- 7 The request for waiver of WAC 480-120-139 is limited specifically to this transfer of TASI's customers to TAI. TAI's products and services are similar to those offered by TASI. TAI will provide TASI customers rates that are the same as TASI's existing rates. TAI will provide TASI customers notice of any rate increase. TAI will continue to serve TASI customers through the same TASI carrier identification code (CIC code) thereby causing no charge to TASI's customers pursuant to transference of customers to TAI. Because TAI and TASI use the same market brand name of "Touch America", TASI's customers will not realize any difference in the appearance of their service. This transaction will be transparent to the TASI customers in terms of the services they received, the prices they are charged and the exact identity of the carrier they receive from this transaction. Therefore, customer notices will not be mailed to TASI customers.
- 8 This matter was brought before the Commission at its regularly scheduled open meeting on June 27, 2001.
- 9 The Commissioners, having been fully advised in the matter, and having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions.

FINDINGS

- 10
1. Touch America Services, Inc., and Touch America, Inc., are public service companies subject to the jurisdiction of this Commission under the provisions of chapter 80.36 RCW.
 2. The Commission previously granted a wavier of WAC 480-143-210 to both carriers in Docket UT-960984 on August 12, 1997 and UT-000248 on May 30, 2000. Therefore the request to waive WAC 480-143-210 is unnecessary.
 3. The waiver of WAC 480-120-139, as described in the body of this order, is reasonable and consistent with the public interest, and should therefore be approved.

ORDER

THE COMMISSIONER ORDERS:

11 As of the effective date of this order, Touch America Services, Inc., and Touch
America, Inc., are hereby granted a waiver of WAC 480-120-139, for the initial
transfer of intrastate intraLata and interLata toll customers from Touch America
Services, Inc., to Touch America, Inc., and such transfer is hereby authorized.

12 The waiver of WAC 480-143-210 for noticing customers of the transfer of property
from Touch America Services, Inc., to Touch America, Inc., has been approved
previously in Dockets UT-960984 and UT-000248, and is hereby unnecessary.

13 DATED at Olympia, Washington, and effective this 27th day of June, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary