

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	DOCKET NO. UT-011612
XO Washington, Inc., and	)	
Avista Communications of Washington,	)	
Inc.,	)	ORDER GRANTING WAIVER OF
	)	RULES
For Waiver of WAC 480-120-139	)	
.....	)	

**BACKGROUND**

1 On December 6, 2001, XO Washington, Inc., (XO) and Avista Communications of Washington, Inc., (Avista) jointly filed with the Commission a petition requesting waiver of WAC 480-120-139 for the transfer of local, intraLATA and interLATA toll customers from Avista to XO.

2 The reason for this request is prompted by the transfer of Avista's customer base, whose accounts comprise local, intraLATA and interLATA toll service, to XO. Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," XO 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 This request is limited specifically to the transference of Avista's customer base. Customer notices have been reviewed by Commission Staff and will be mailed to all affected customers informing them of their options. XO will credit any charge imposed by local exchange carriers for changing the customers' primary interexchange carriers to XO. XO's products and services are similar to those offered by Avista. For a period of 90 days, XO will provide Avista customers rates that are the same or lower than Avista's existing rates.

4 This matter was brought before the Commission at its regularly scheduled open meeting on December 12, 2001. The Commissioners having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions.

**FINDINGS**

5 (1) XO Washington, Inc., and Avista Communications of Washington, Inc., are public service companies subject to the jurisdiction of this Commission under the provision under the provisions of chapter 80.36 RCW.

- 6 (2) The waiver of WAC 480-120-139 as described above, is reasonable and consistent with the public interest, subject to the mailing of the customer notice, and should therefore be approved.

**O R D E R**

- 7 After the effective date of this Order, XO Washington, Inc., is hereby granted a waiver of WAC 480-120-139, for the initial transfer of local, intraLATA and interLATA toll customers from Avista Communications of Washington, Inc., subject to the mailing of the customer notice.

DATED at Olympia, Washington, and effective this 12th day of December, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary