

UT-031028
④ 6-27-03

Law Office of
Richard A. Finnigan
2405 Evergreen Park Drive SW
Suite B-1
Olympia, Washington 98502
(360) 956-7001
Fax (360) 753-6862

Kathy McCrary
Paralegal

RECEIVED
RECORDS MANAGEMENT
03 JUN 24 AM 10:00
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

June 24, 2003

Carole Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504

Re: Ellensburg Telephone Company – Emergency Petition for Limited
Exemption from WAC 480-120-172(7)(a)(ii) and (iii) and WAC 480-
120-161(6)

Dear Ms. Washburn:

Please treat this letter as an Emergency Petition filed on behalf of Ellensburg Telephone Company. The original and nineteen copies of this letter are being filed today. This Emergency Petition is filed pursuant to WAC 480-120-015. Under Subsection (1) of WAC 480-120-015 the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC if doing so is consistent with the public interest, the purposes underlying regulation and applicable statutes.

The Company is seeking only a limited exemption from the two rules identified above. Specifically, the Company seeks an exemption for two months (until September 1, 2003) from WAC 480-120-172(7)(a)(ii) and (iii). The exemption sought from the provisions of WAC 480-120-161(6) is for a period of six months, until April 1, 2004.

WAC 480-120-172(7)(a)(ii) and (iii)

The language that is contained the above two cited subsections is as

follows:

The Company must provide the customer notice before discontinuing service except as described in Subsection (1) of this section, as follows:

(a) . . . a company must include the following information, at a minimum, in a discontinuation notice:

. . .

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer . . .

Ellensburg has been working diligently to meet the Commission's requirements. However, the Company will not be able to meet the requirements set out above. These requirements have the effect of requiring the Company to make a distinction between basic service and ancillary service and let the customer know what amount has to be paid for which branch of service and which can be discontinued in the event of non-payment. That is, under the new rule, the customer needs to know that if they do not pay for the ancillary services, they are not subject to disconnection for their basic services.

Ellensburg has been working diligently to meet this requirement. However, it now appears to the Company that they will just not be able to meet the July 1, 2003 effective date. The Company's practice in providing written notice of discontinuance of service is to include a statement on the customer's bill identifying when the account is past due and what payments must be made by what date and include other information as required by the Commission's rules. The Company would continue that practice while the exemption is in place.

The requirement imposed by the new regulations is, in fact, a new requirement. The Company would continue to abide by the remaining portions of WAC 480-120-172, including providing telephonic notice of disconnection,

during the time the exemption is in place. The Company has a generally good reputation of dealing with its customers in a fair, straightforward manner. The Company finds itself in a position where it just will not be able to comply with the Commission's rule on the date it becomes effective. The Company respectfully requests an exemption.

WAC 480-120-161(6)

This rule, when it takes effect on July 1, 2003, requires that the bill distinguish between charges for which non-payment will result in loss of basic service and those that do not. This subsection has other requirements such as including telephone numbers by which subscribers may inquire or dispute any charge on a bill. Ellensburg Telephone Company is not seeking an exemption from the other requirements of the rule, but only from the requirement to distinguish on the bill the charges for which non-payment will result in a loss of basic service. Upon investigation, the Company has determined that its present billing system will not allow it to produce a bill that will conform to the requirements of WAC 480-120-161(6). Fairpoint Communications, Ellensburg's parent company, is in the process of developing a system-wide billing system. It is expected that system-wide billing system will be in place by April 1, 2004, for Ellensburg and allow Ellensburg to comply with WAC 480-120-161(6) at that time.

As with WAC 480-120-172(7)(a)(ii) and (iii) this is a new requirement. While the benefit to the customers of receiving more detailed information on their bill will be delayed by six months, it would appear to be in the public interest and the purposes underlying regulation to allow Ellensburg Telephone Company to work expeditiously to meet the requirements of the rule without being placed in a violation of the rule on the day it goes into effect.

Ellensburg Telephone Company understands and appreciates the fact that the Commission had a delayed effective date on the new rules. However, although Ellensburg initially believed it would be able to bring its bills into conformance, programming problems with its current billing system have made the Company realize that it cannot adjust its current billing system to meet the Commission's rule and the Company needs to await the installation of the system-wide Fairpoint billing system. As a result, the Company respectfully requests a limited exemption.

Carole Washburn
June 24, 2003
Page 4

Ellensburg Telephone Company greatly appreciates the Commission's consideration of this Emergency Petition.

Sincerely,

Richard A. Finnigan / km

RICHARD A. FINNIGAN

RAF/pl

cc: Jana Manterola
Connie Meier
Dixie Linnenbrink
Vickie Elliott
Tim Zawislak