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August 12, 2003

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Ms. Carole Washburn, Executive Secretary
Washington Utilities and Transportation Commission
Chandler Office Building, 1300 South Evergreen Park Drive, SW
Olympia, Washington 98505-7250

**Re: Docket No. UT-031152, Request for Waiver of Commission Rule
WAC 480-120-083(2)(b)**

Dear Ms. Washburn:

Advanced TelCom, Inc. d/b/a Advance TelCom Group (“ATI”)¹ and Shared Communications Services, Inc. (“SCS”)² (together, “ATG”), by their attorneys and pursuant to the relevant statutes and Rules and Regulations of the Washington Utilities and Transportation Commission (“Commission”), hereby respectfully request a waiver of the requirements set forth in WAC 480-120-083(2)(b) from the Commission in the above referenced docket concerning the discontinuance of Residential Multi-Tenant Services (“RMTS”) by ATG to its RMTS customers in Washington. The above referenced docket was previously considered by the Commission at its July 31, 2003, open meeting, which the Commission took “no action” on the discontinuance.

WAC 480-120-083(2)(b) requires that a telecommunications company provide written notice to the state E911 program at least 30 days in advance of cessation of service. Due to an inadvertent oversight when ATG was providing the required notice to the Commission, the incumbent local exchange carriers and its RMTS customers,³ the state E911 program was not

¹ ATI is authorized to provide competitive telecommunications services in Washington pursuant to an order issued in Docket No. UT-981279, dated October 28, 1998.

² SCS is authorized to provide competitive telecommunications services in Washington pursuant to an order issued in Docket No. UT-910839, dated August 14, 1991.

³ As required by WAC 480-123-083, RMTS customers received their first notification on or about June 23, 2003, and their second written notification on or about July 18, 2003.

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provided with the required notice. Upon realizing this oversight, ATG immediately sent notice to the state E911 program on August 11, 2003, and submitted this request for waiver of the 30 day advanced notice to the state E911 program requirement under WAC 480-120-083(2)(b).

As indicated in its initial filing with the Commission on July 1, 2003, Advanced TelCom Group, Inc. and its subsidiaries filed for bankruptcy protection under Chapter 11 of the U.S. Bankruptcy Code.⁴ As part of the bankruptcy process, several RMTS Agreements between ATG and various residential properties were rejected and, therefore, terminated. Thus, ATG can no longer provide services to its current customers in those properties. As ATG must comply with the Bankruptcy Court's order, and as notice of discontinuance of service has been served on all other affected parties except the state 911 program indicating discontinuance will occur on August 15, 2003,⁵ ATG respectfully requests that the Commission grant this request for a waiver of WAC 480-120-083(2)(b) at the next scheduled open meeting on August 13, 2003.

Should you have any questions, please feel free to contact Erin Emmott at (202) 955-9766. Thank you for your attention to this matter.

Respectfully submitted,



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⁴ Additional notices have been posted in the residential buildings affected by the discontinuance of RMTS and telephone calls are being made to the affected residents. See Case No. 02-11073 (Bankr. N.D. Cal. 2002).

⁵ Loss of dial tone for the affected properties is scheduled for Monday, August 18, 2003. Automatic approval of the discontinuance from the FCC is anticipated on August 15, 2003.