

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In the Matter of the Petition of
ASOTIN TELEPHONE COMPANY d/b/a
TDS TELECOM, LEWIS RIVER
TELEPHONE COMPANY, INC. d/b/a TDS
TELECOM AND MCDANIEL TELEPHONE
CO. d/b/a TDS TELECOM

DOCKET NO. UT-

For Minimal Regulation of
Bundled Telecommunications Services

PETITION OF TDS TELECOM

1. This petition is brought by Asotin Telephone Company d/b/a TDS Telecom, Lewis River Telephone Company, Inc. d/b/a TDS Telecom and McDaniel Telephone Co. d/b/a TDS Telecom (collectively "TDS Telecom"). TDS Telecom is represented in this matter by:

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2. TDS Telecom requests the Commission to subject TDS Telecom's current and future packaged and bundled intrastate telecommunications services to minimal regulation pursuant to Chapter 26, Laws 2007, Section 2(1) ("the Law").

3. TDS Telecom consists of three telecommunications companies, each registered with the Commission but not classified as a competitive telecommunications company. The TDS Telecom companies are each thus a “noncompetitive telecommunications company” under the Law.

APPLICATION OF THE LAW

4. The Law applies to non-competitively classified telecommunications companies and provides that (a) the non-competitively classified service components of packages and bundles subject to minimal regulation shall remain available on a stand-alone basis under the company’s tariff, (b) the price of such packages and bundles must not be less than the cost of the tariffed components plus the cost of any competitively classified components, and (c) the availability and prices of the stand-alone non-competitively classified components be displayed in the company’s tariff and on its web site.

5. The Law also states that “minimal regulation” has the same meaning as under RCW 80.36.330. The meaning of minimal regulation is described in RCW 80.36.330(2), which requires companies at a minimum to (a) keep their accounts according to Commission rules, (b) file financial reports as required by the Commission, and (c) cooperate with Commission investigations of customer complaints. This subsection previously provided that minimal regulation included the use of price lists rather than tariffs, but 2006 legislation required the withdrawal of price lists and precludes the filing of new price lists, with the result that services subject to minimal regulation are detariffed.¹

6. For purposes of RCW 19.86.170, actions or transactions associated with TDS Telecom’s bundles and packages that are not governed by RCW and WAC provisions administered by the Commission shall not be deemed otherwise permitted, prohibited,

¹ RCW 80.36.333. The Commission has revised its rules accordingly. General Order R-540 (March 30, 2007; revised April 20, 2007), Docket No. UT-060676.

or regulated by the Commission.

TDS TELECOM'S PACKAGES AND BUNDLES

7. TDS Telecom requests minimal regulation of the following categories of packages and bundles:

Bundle	Description	Examples
Tariffed service(s) ²	Two or more tariffed services.	Custom calling features; or access line plus custom calling features
Tariffed service(s) + competitive service(s) ³	Two or more services, with a minimum of one tariffed service and one competitive service.	Access line plus long distance service
Tariffed + competitive + non-regulated service(s) ⁴	Three or more services, with a minimum of one tariffed service, one competitive service and one non-regulated service.	Access line, long distance and inside wire maintenance and/or Internet service
Tariffed + non-regulated service	Two or more services, with a minimum of one tariffed service and one non-regulated service.	Access line and inside wire maintenance and wireless service and/or video service

Examples of TDS Telecom's bundles and packages that are currently offered in Washington include, but are not limited to Total Talk Pack which is available to both residential and business customers. It includes Basic service, 3-Way Calling, Call

² "Tariffed service" means an intrastate telecommunications service subject to the Commission's jurisdiction which has not been classified as competitive under RCW 80.36.330.

³ "Competitive service" means a service provided by TDS Telecom that the Commission has classified as competitive under RCW 80.36.330 and/or a service provided by a company classified as competitive under RCW 80.36.320.

⁴ "Non-regulated services" includes services provided by TDS Telecom that are not within the Commission's jurisdiction and services provided by other companies (TDS Telecom affiliates and non affiliates) that are not subject to Commission regulation.

Waiting, Caller ID Deluxe, Anonymous Call Rejection, Priority Ringing and Inside Wire Protection and requires subscription to certain choices of bundled minutes of long distance service offered by TDS Long Distance. The other current bundle is called Privacy Pack which includes Caller-ID Deluxe, Call Rejection, Anonymous Call Rejection, Preferred Call Forwarding, and Priority Ringing – this package is only available to residential customers.

REQUEST FOR MINIMAL REGULATION

8. TDS Telecom requests that its bundles and packages of telecommunications services be subject to minimal regulation as described in the Law. The Law recognizes the distinction between packages and bundles on the one hand and the noncompetitive, regulated service components of such packages and bundles when offered on a stand-alone basis on the other. The package or bundle is a service offering in its own right and will be provided pursuant to non-tariffed rates, terms and conditions, with consumers having the option to instead acquire the noncompetitive, regulated service components of such bundles and packages on a stand-alone basis pursuant to tariff and full regulation under the Commission's rules.

9. The pricing of packages and bundles shall be governed exclusively by RCW 80.36.3XX(1), Chapter 26, laws 2007, Section 2(1). Accordingly, RCW and WAC provisions that are incompatible with the concepts of packages and bundles as service offerings and of minimal regulation will not apply to TDS Telecom's bundles and packages that include telecommunications services that, on a stand-alone basis, are tariffed and fully regulated. TDS Telecom requests that the Commission specify that the Washington Administrative Code rules listed on Appendix A do not apply to TDS Telecom's packages and bundles under minimal regulation.

10. TDS Telecom requests that the Commission's order granting this petition be

effective upon issuance. TDS Telecom will treat any new packages and bundles introduced thereafter as being subject to minimal regulation, and it will withdraw current packages and bundles from its tariffs, at which time they will become subject to minimal regulation.

CONCLUSION

11. TDS Telecom requests that the Commission issue an order subjecting the Company's current and future bundles and packages to minimal regulation as described in this petition.

Respectfully submitted this 26th day of October, 2007.

ASOTIN TELEPHONE COMPANY d/b/a TDS
TELECOM
LEWIS RIVER TELEPHONE COMPANY, INC.
d/b/a TDS TELECOM
MCDANIEL TELEPHONE CO. d/b/a TDS
TELECOM

By: 

Richard A. Finnigan, WSBA #6443

Attorney for Asotin Telephone Company
d/b/a TDS Telecom

Lewis River Telephone Company, Inc. d/b/a
TDS Telecom

McDaniel Telephone Co. d/b/a TDS
Telecom

Appendix A

TDS Telecom seeks waiver of the following regulatory requirements with respect to its offering of bundles under minimal regulation. These waivers are consistent with those sought and received by Verizon (Docket UT-071574); Embarq (Docket UT-071575); Rainier Connect (Docket UT-071573); YCOM (Docket UT-071572); and Ellensburg Telephone (Docket UT-071571).

RCW 80.36.100

RCW 80.36.110

RCW 80.36.150 (5)

WAC 480-80-010

WAC 480-80-015

WAC 480-80-101

WAC 480-80-102

WAC 480-80-103

WAC 480-80-104

WAC 480-80-105

WAC 480-80-111

WAC 480-80-112

WAC 480-80-121

WAC 480-80-122

WAC 480-80-123

WAC 480-80-124

WAC 480-80-126

WAC 480-80-131

WAC 480-80-132

WAC 480-80-133

WAC 480-80-134

WAC 480-80-142 (1) and (7);

WAC 480-120-103(1)(a)

WAC 480-120-161 subsections (4)(b), (4)(c), (4)(d), (4)(e), (5)(a), (6), (7)(a), (7)(b)(In Part – “Calculations of time or distance charges for calls”) (7)(c), and (11)