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May 22, 2019

VIA E-FILING

Mr. Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Washington Independent Telecommunications Association – Request For
Modification of WAC 480-123-110(4)

Dear Mr. Johnson:

Pursuant to WAC 480-07-110, the Washington Independent Telecommunications Association ("WITA") on behalf of each of its members¹ respectfully requests that the Commission modify the application of WAC 480-123-110(4).

As currently written, WAC 480-123-110(4) reads as follows: **"(4) Timing of petitions.** A provider must file a complete petition that fully complies with this section no later than August 1st if the company seeks support from the program for the following calendar year. Program support is available annually until the expiration of the program on June 30, 2019."

However, under Second Substitute Senate Bill 5511, which has passed the Legislature and been signed by the Governor, the program that is referenced in WAC 480-123-110(4) has been extended for another five years. See, Sections 11-18 and 20 of Second Substitute Senate Bill 5511. In addition, under the provisions of Section 23 of Second Substitute Senate Bill 5511, the amendments related to the universal service program take effect immediately.

What all of this means is that the last sentence of WAC 480-123-110(4) has been superseded. On this basis, WITA respectfully requests that the Commission modify the application of WAC 480-123-110(4) by determining that it is in the public interest to find that the second sentence of WAC 480-123-110(4) has been superseded and should not be applied to

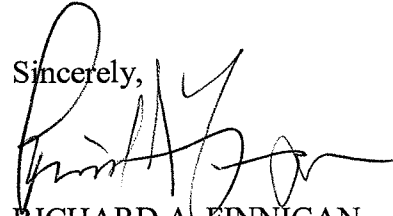
¹ WITA's members are: Asotin Telephone Company, Consolidated Communications of Washington Company, LLC, Hat Island Telephone Company, Hood Canal Telephone Co., Inc., Inland Telephone Company, Kalama Telephone Company, Lewis River Telephone Company, Inc., Mashell Telecom, Inc., McDaniel Telephone Co., Pioneer Telephone Company, Pend Oreille Telephone Company, St. John Telephone, Inc., Skyline Telecom, Inc., Tenino Telephone Company, The Toledo Telephone Co., Inc., Wahkiakum West Telephone Company and Whidbey Telephone Company.

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petitions for universal service program support filed by each of WITA's members.²

If you have any questions concerning this request, please contact the undersigned.

Sincerely,

RICHARD A. FINNIGAN

RAF/cs

cc: Client (via e-mail)
Jing Roth (via e-mail)
Tim Zawislak (via e-mail)
Public Counsel (via e-mail)

² WAC 480-07-110(1) states, in part, that the Commission may modify "any of its rules in individual circumstances." That language can be read to mean "one circumstance" common to all or a "unique circumstance" faced by an individual company. In this case, it makes more sense to consider the single circumstance of the rule language being superseded by a newly revised statute.