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6 **BEFORE THE WASHINGTON STATE**
7 **UTILITIES AND TRANSPORTATION COMMISSION**

8 In the Matter of the Petition of:

9 ELLENSBURG TELEPHONE COMPANY

10 For Minimal Regulation of Bundled
11 Telecommunications Services

DOCKET NO. UT-071571

PETITION FOR AMENDMENT OF ORDER 01
REGARDING ANNUAL OFFICER
CERTIFICATION REQUIREMENTS

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13 On July 23, 2007, Ellensburg Telephone Company d/b/a FairPoint Communications ("FairPoint")
14 petitioned for authority for minimal regulation of packages or bundles of telecommunications
15 services under RCW 80.36.332.

16
17 RCW 80.36.332 states that the Commission shall grant such a Petition where:

- 18 (1) Each noncompetitive service in the packages or bundle is readily available to customers at
19 fair, just and reasonable prices;
- 20 (2) The price of the package or bundle is equal to or greater than the cost for the tariffed
21 services plus the cost of any competitive services that is under RCW 80.36.330(3); and
- 22 (3) The availability and price of the stand-alone noncompetitive services are displayed in the
23 company's tariff or on its web site consistent with Commission rules. It should be noted that RCW
24 80.36.330(3) requires prices and rates for competitively classified services to cover their costs.

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CERTIFICATION REQUIREMENTS - 1

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1 Order 01 in this Docket granted FairPoint's Petition on September 18, 2007. Order 01 requires
2 FairPoint to annually certify compliance with the Order and RCW 80.36.332.

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4 Certification forms are provided by Commission Staff to each affected company requesting such
5 certification. When the form is signed, it is filed with the Records Center referencing Docket UT-
6 071571.

7
8 In discussions with Commission Staff, FairPoint has learned that Staff believes it has sufficient
9 means to ensure compliance with RCW 80.36.332 without the annual certification. Those tools
10 include audits and the review of tariffs.

11
12 The telecommunications landscape has changed significantly since 2007. Companies, including
13 FairPoint have incurred loss of access lines from competition. In addition, FairPoint is facing
14 earnings pressure. These factors minimize the likelihood of selling bundles below cost. The value
15 of the minimal regulation for bundles is that the minimal regulation permits companies to react to
16 market pressures and offer competitively priced bundled telecommunications services.

17
18 The elimination of the annual certification requirement would not affect any of the other
19 requirements in Order 01. FairPoint would remain subject to and would continue to comply
20 with RCW 80.36.332 and all of the remaining requirements of Order 01.

21
22 Under RCW 80.36.332(3), the Commission has authority to waive any regulatory requirement with
23 respect to packages or bundles of telecommunications services if it finds that requirement is no
24 longer necessary to protect the public interest. Pursuant to RCW 80.04.210 and under WAC 480-

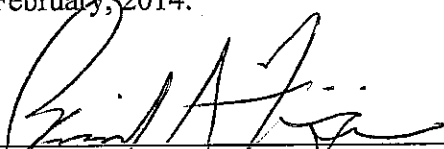
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1 07-875, the Commission has authority to amend any of its orders. Under that statute and rule,
2 notice to the public service company is required, along with the opportunity for hearing. Since
3 FairPoint is the only party to the docket, FairPoint requests that this Petition be deemed to be notice
4 under the statute and rule. Further, FairPoint waives the opportunity for hearing under RCW
5 80.04.210 and WAC 480-07-875. Nor does there appear to be a need to reopen the record in this
6 docket.¹ The certification requirement was imposed as a cautionary requirement and can be
7 removed if the Commission finds the requirement is no longer necessary to protect the public
8 interest.

9
10 FairPoint respectfully requests that the Commission find that annual certification is no longer
11 required to protect the public interest and, further, that the Commission amend Order 01 to
12 eliminate the requirement that FairPoint provides annual certification.

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14 Respectfully submitted this 25th day of February, 2014.

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17 _____
18 RICHARD A. FINNIGAN, WSB #6443
19 Attorney for Ellensburg Telephone Company
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25 ¹ If the Commission believes the record needs to be reopened, FairPoint has no objection.