

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

In the Matter of the Petition of)	DOCKET NO. UT-030867
)	
BG ENTERPRISES, INC., d/b/a)	ORDER NO. 03
GRIZZLY TELEPHONE)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-122-020)	ORDER GRANTING
Relating to Washington Telephone)	EXEMPTION FROM WAC 480-
Assistance Program Rate)	122-020
.....)	

BACKGROUND

- 1* On July 24, 2003, BG Enterprises, Inc., d/b/a Grizzly Telephone (Grizzly) filed a petition requesting continued exemption or a full waiver from WAC 480-122-020. Grizzly filed for an initial exemption from the rule on June 5, 2003. On June 17, 2003, the Commission granted a partial exemption from WAC 480-122-020 until August 1, 2003, and WAC 480-120-146 (formerly WAC 480-120-139).
- 2* WAC 480-122-020 requires non-eligible telecommunications carriers who provide residential service to one hundred or more access lines must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.
- 3* Grizzly requested continuation of the exemption or a full waiver from WAC 480-122-020. Grizzly states that adoption of a final rule pertaining to reimbursement by the Washington Telephone Assistance Program (WTAP) to telecommunications companies is still undecided.
- 4* Commission Staff reviewed the request and recommended granting Grizzly a temporary exemption through December 31, 2003.

FINDINGS AND CONCLUSIONS

- 5* (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service

companies, including telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*

- 6 (2) Grizzly is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 7 (3) Grizzly is subject to the provisions of WAC 480-122-020, which requires that non-eligible telecommunications carriers who provide residential service to one hundred or more access lines must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.
- 8 (4) WAC 480-120-015 provides that the Commission may grant exemptions from rules when it is in the public interest, consistent with the purpose of regulation and applicable state statutes.
- 9 (5) Grizzly complied with the requirement in the Commission's previous order of June 17, 2003, to give its WTAP customers 30-day notice for cessation of service as required by WAC 480-120-083.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on July 31, 2003.
- 11 (7) After review of the petition filed in Docket UT-030867 by Grizzly on July 24, 2003, and giving due consideration, the Commission finds that a temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) BG Enterprises, Inc., d/b/a Grizzly Telephone is granted a temporary exemption from offering the WTAP rate to customers, as set forth in WAC 480-122-020, through December 31, 2003, as conditioned in the body of this Order.

- 13 (2) BG Enterprises, Inc., d/b/a Grizzly Telephone must continue to advise all eligible applicants that WTAP is available from other local exchange carriers at a rate of \$8 per month effective August 1, 2003.
- 14 (3) The Commission retains jurisdiction over the subject matter and BG Enterprises, Inc., d/b/a Grizzly Telephone to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 31st day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner