

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Petition of |) | DOCKET UT-071571 |
| |) | |
| ELLENSBURG TELEPHONE |) | ORDER 02 |
| COMPANY DBA FAIRPOINT |) | |
| COMMUNICATIONS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| For An Amendment of Order 01 |) | |
| Regarding Annual Officer Certification |) | |
| Requirements. |) | ORDER AMENDING ORDER 01 |
| |) | |

BACKGROUND

- 1 On February 25, 2014, Ellensburg Telephone Company dba Fairpoint Communications, (Ellensburg or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition pursuant to WAC 480-07-875 and RCW 80.04.210 seeking to amend Order 01, which granted Ellensburg minimal regulation of bundled telecommunications services subject to conditions under RCW 80.36.332. Ellensburg requests that the Commission amend Order 01 to no longer require the Company’s officers to certify annually the Company’s compliance with that Order and RCW 80.36.332.

- 2 Staff supports Ellensburg’s request. Staff believes it has sufficient means to ensure compliance without Company officer annual certification, including the ability to audit the Company and review its tariffs.

DISCUSSION

- 3 The Commission required a Company officer annually to certify compliance with RCW 80.36.332 as a means to ensure the Company meets the more relaxed regulation that statute affords. We agree with Staff that such certification is no longer necessary and that the Commission has adequate means of monitoring and reviewing compliance with the statute and Order 01. We therefore grant the petition and amend the Order accordingly. Ellensburg remains subject to, and must continue to comply with, RCW 80.36.332 and all of the remaining requirements of Order 01.

FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, and practices of public service companies, including telecommunications companies.
- 5 (2) Ellensburg is a telecommunications company and a public service company subject to Commission jurisdiction.
- 6 (3) This matter came before the Commission at its regularly scheduled meeting on March 27, 2014.
- 7 (4) The requirement in Order 01 that a Company officer annually certify compliance with that Order and RCW 80.36.332 is no longer necessary to ensure that Ellensburg complies with these legal obligations, and Order 01 should be amended to remove that officer certification requirement.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The Petition of Ellensburg Telephone Company dba Fairpoint Communications to Amend Order 01 is GRANTED.
- 9 (2) Order 01 is amended to remove the requirement in Paragraph 41 that a Ellensburg Telephone Company dba Fairpoint Communications officer annually certify Ellensburg Telephone Company dba Fairpoint Communications' compliance with Order 01 and RCW 80.36.332.
- 10 (3) The Commission retains jurisdiction over the subject matter and Ellensburg Telephone Company dba Fairpoint Communications to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 27, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary