

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In the Matter of the Petition of:

Douglas and Jessica Rupp; Kathie Dunn
and Chris Hall; Michelle Lechuga;
Verlin Jacobs; Anthony Williams;
Christine and Samuel Inman; Robert
Jacobs; and Sam Haverkemp and Chris
Portrey,

Petitioners

v.

Verizon Communications, Inc.,
Respondent.

NO.

PETITION FOR ORDER TO EXTEND
SERVICE AREA OF RESPONDENT

COME NOW the above-named Petitioners, by and through their spokesman and lead petitioner: Douglas Rupp, and in their petition allege as follows:

1. PARTIES

1.1 The Petitioners are:

Douglas and Jessica Rupp

PO Box 207

54829 Garnet Way

Index, WA 98256

Kathie Dunn and Chris Hall

PO Box 351

15127 Index-Galena Rd
Index, WA 98256

Michelle Lechuga

15305 Index-Galena Rd
Index, WA 98256

Verlin Jacobs

15616 Index-Galena Rd
Index, WA 98256

Anthony Williams

15123 Index-Galena Rd
Index, WA 98256

Christine and Samuel Inman

15305 Index-Galena Rd
Index, WA 98256

Robert Jacobs

15683 Index-Galena Rd
Index, WA 98256

Sam Haverkemp and Chris Portrey

15203 Index-Galena Rd

Index, WA 98256

1.2 Petitioners own real property which is nearby to the current service area of Respondent

1.3 Respondent is Verizon Communications, Inc. Respondent is a public service company doing business in the state of Washington.

2. RULES/STATUTES AT ISSUE

2.1 The following statutes and provisions of the Washington Administrative Code and United States Code may be brought into issue: RCW 80.36.040; RCW 80.36.090; RCW 80.36.170; RCW 80.36.230; RCW 80.36.240; RCW 80.36.260; RCW 80.36.300; WAC 480.120.071; 47 USC 214; 47 USC 254.

2.2 RCW 80.36.040 grants the right for a telecommunications company doing business in this state to construct and maintain necessary telecommunications lines for public traffic along and upon any public road, street, or highway.

2.3 RCW 80.36.090 requires every telecommunications company to furnish reasonably entitled persons with telephone service on demand.

2.4 RCW 80.36.170 prohibits a telecommunications company from subjecting any particular person or locality to undue or unreasonable disadvantage in any respect whatsoever and grants the Commission primary jurisdiction to determine violations.

2.5 RCW 80.36.230 & 240 grant the Commission power to prescribe telecommunication exchange area and/or territorial boundaries.

2.6 RCW 80.36.260 grants the Commission power to order extensions to telecommunications lines to promote the security or convenience of the public or in order to secure adequate telecommunications service.

2.7 RCW 80.36.300 states that it is the policy of the State to preserve affordable universal telecommunications service; advance the availability of telecommunications service; and ensure customers pay only reasonable charges for telecommunications service.

2.8 WAC 480.120.071 requires an extension of service to occupied premises unless granted a waiver by the Commission.

2.9 47 USC 214 grants the Commission power to determine which telecommunications carrier is best able to provide service to a requesting un-served community and shall order such carrier to provide telecommunications service.

2.10 47 USC 254 prescribes a policy based on the principle that consumers in rural, insular, and high cost areas should have access to telecommunications and information services reasonably comparable to services and rates available in urban areas.

3. STATEMENTS OF FACT

3.1 Petitioners desire telephone service but have been unable to receive such service because the telephone grid ends at approximately milepost 2.5 on Index-Galena Road in Snohomish County, whereas Petitioners live either near or before milepost 5.6 on said road in a community known locally as Skyko 2.

3.2 According to Commission staff, the Petitioners live outside the serving boundary of the nearest provider (Respondent).

3.3 Respondent has offered to provide service if the Petitioners pay the full cost of construction, with an initial non-refundable fee of \$11,040.00 just to cover the cost of providing an estimate of the ultimate construction cost. This is far beyond the means of the Petitioners.

3.4 According to Commission staff, no alternate telecommunications company is interested in providing service to the Petitioners.

3.5 Petitioners are unable to receive cell telephone service due to the topography of the surrounding area and lack of a serving cell tower. Cell reception becomes unavailable approximately 200 yards beyond the Index town bridge (approximately milepost 1.1 on Index-Galena Rd)

3.6 An examination of the topography of the surrounding area using commercially available topographical software shows there is no viable line of sight for a radio-telephone system between the end of the grid and the Skyko 2 community without at least one powered repeater placed on United States Forest Service land.

3.7 Petitioners (except for petitioner D. Rupp) have no affordable alternative communications method (e.g. satellite internet) whatsoever due to either line of sight issues or interference from the surrounding heavy forest.

3.8 Some Petitioners are elderly or are in poor health and cannot summon or receive emergency medical assistance other than by driving to the nearest town (Index).

3.9 Access to Petitioner's locale is along a well maintained, paved county road (Index-Galena Road) on a Snohomish county owned right-of-way with ample room for roadside poles or underground cable.

WHEREFORE, Petitioners pray for relief as follows:

1. That a formal hearing be held on the issues raised by this Petition.
2. That the Commission extends the current service area of Respondent to include properties owned by Petitioners in and near Skyko 2
3. That Respondent shall be ordered to supply service to the properties owned by Petitioners in and near Skyko 2.
4. For such other and further relief as the Commission deems just and equitable.

DATED this 17th day of May, 2005.

The facts alleged in this petition are true and correct to best of my belief.

Douglas B Rupp
Spokesman and Lead Petitioner
Email: rupp@gnat.com