

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Petition of

ADVANCED TELCOM, INC.,
SHARED COMMUNICATIONS
SERVICES, INC.,

and

GE BUSINESS PRODUCTIVITY
SOLUTIONS, INC.,

Transfer of Certain Assets and
Customers of Advanced TelCom, Inc.,
and Shared Communications Services,
Inc., to GE Business Productivity
Solutions, Inc.; and the Discontinuance
of Telecommunications Service by
Advanced TelCom, Inc., and Shared
Communications Services, Inc.

DOCKET UT-020919

ORDER GRANTING WAIVER
OF RULES

BACKGROUND

- 1 On July 16, 2002, Advanced TelCom, Inc., d/b/a Advanced TelCom Group (ATG), Shared Communications Services, Inc., (SCS) and GE Business Productivity Solutions, Inc., (GEBPS) filed with the Commission a petition requesting exemption from WAC 480-143-210 and WAC 480-120-139 related to customer notification and for the transfer of certain assets and intrastate local and toll service customers from ATG and SCS to GEBPS.
- 2 The companies have requested a waiver of WAC 480-120-139 because GEBPS purchased the customer base of ATG and SCS. ATG's customer base accounts comprise both intraLATA and interLATA toll service and local service. SCS's customer base accounts comprise both intraLATA and interLATA toll service. ATG and SCS have been operating in bankruptcy status under the protection of the Bankruptcy Court for the Northern District of California, Santa Rosa Division.
- 3 Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," GEBPS would not be able to submit a change in a customer's local exchange or intrastate toll service without confirming the customer's authorization in accordance with requirements in the rule.

- 4 WAC 480-143-210, "Transfer customer notice requirements" prohibits telecommunications carrier from initiating or effecting a change in a customer's primary interexchange carrier or local exchange company without first notifying each individual customer.
- 5 On February 22, 1994, GE Capital Communications Corporation d/b/a GE EXCHANGE and d/b/a Capital EXCHANGE (GE) was granted competitive classification in Docket UT-940013. Under this classification, GE received a waiver of WAC 480-143, Transfers of Property. On January 9, 2002, GE changed its name to GE Business Productivity Solutions d/b/a Capital Communications Services Corporation.
- 6 On October 28, 1998, ATG was granted competitive classification in Docket UT-981279. Under this classification, ATG received a waiver of WAC 480-143, Transfers of Property.
- 7 On November 20, 1991 and December 17, 1992, SCS was granted competitive classification for interLata and intraLATA toll services and operator services, respectively, in Docket UT-911067. Under this classification, SCS received a waiver of WAC 480-143, Transfers of Property.
- 8 The request for waiver of WAC 480-120-139 is limited specifically to the transfer of ATG's and SCS's customer base. Customer notices have been reviewed by Commission Staff and will be mailed to all affected customers informing them of their options. GEBPS will credit any charge imposed by local exchange carriers for changing the customers' primary interexchange carriers to GEBPS. GEBPS's products and services are similar to those offered by ATG and SCS. GEBPS will provide notice to the customers of changes in rates and services.
- 9 This matter was brought before the Commission at its regularly scheduled open meeting on August 14, 2002. The Commissioners, having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions.

FINDINGS

- 10 (1) Advanced TelCom, Inc., d/b/a Advanced TelCom Group, Shared Communications Services Inc., and GE Business Productivity Solutions, Inc., d/b/a GE Capital Communications Services are public service companies subject to the jurisdiction of this Commission under the provisions of chapter 80.36 RCW.

- 11 (2) The waiver of WAC 480-120-139 as described above, is reasonable and consistent with the public interest, subject to the mailing of the customer notice, and should therefore be approved.
- 12 (3) The request for waiver of WAC 480-143-210 has been approved previously in Dockets UT-940013, UT-981279 and UT-911067, and is hereby unnecessary.

ORDER

- 13 After the effective date of this Order, GE Business Productivity Solutions, Inc., d/b/a GE Capital Communications Services is granted a waiver of WAC 480-120-139, for the initial transfer of intraLATA toll customers from Advanced TelCom, Inc., d/b/a Advanced TelCom Group and Shared Communications Services Inc., subject to the mailing of the customer notice.

DATED at Olympia, Washington, and effective this 14th day of August, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary