

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

In the Matter of the Request of	)	DOCKET NO. UT-021618
	)	
ELLENSBURG TELEPHONE	)	
COMPANY,	)	
	)	
Petitioner,	)	
	)	
For Less Than Statutory Notice in	)	ORDER GRANTING LESS THAN
Connection with Tariff Revision.	)	STATUTORY NOTICE
.....		

**BACKGROUND**

- 1 On December 10, 2002, Ellensburg Telephone Company, ("Ellensburg" or "the Company") filed with the Commission a revision to its currently effective Tariff WN U-2, designated as Original Sheet No. 146. The purpose of the filing is to offer a promotion under which the Company will waive the non-recurring charge to customers who subscribe to Digital Subscriber Line ("DSL") service for the first time.
  
- 2 RCW 80.36.110 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheet bears an inserted effective date of January 10, 2003. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revision become effective January 1, 2003. Ellensburg stated the reason for less than statutory notice is that the Company desires to start this promotion at the first of the year.
  
- 3 Since the proposed tariff revision appears to be fair, just, and reasonable, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Ellensburg's request with an effective date of January 1, 2003.

## 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 rates, 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.*
- 5 (2) Ellensburg is a telecommunications company and is a public service company subject to the jurisdiction of the Commission.
- 6 (3) Ellensburg is subject to the provisions of RCW 80.36.110 and WAC 480-80-121 requiring telecommunications companies to file changes in any rate or charge with thirty days' notice. For good cause shown, however, the commission may allow changes without requiring thirty days' notice by order specifying the changes to be made and the time when it shall take effect. *WAC 480-80-122.*
- 7 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 8 (5) Staff has reviewed the request in Docket UT-021618 and recommended the less than statutory notice request of Ellensburg be granted.
- 9 (6) This matter was brought before the Commission at its regularly scheduled meeting on December 31, 2002.

- 10 (7) After an examination of the proposed tariff revision filed by Ellensburg on December 10, 2002, and giving consideration to all relevant matters and for good cause shown, the Commission finds that the proposed tariff revision should become effective January 1, 2003.

**ORDER**

THE COMMISSION ORDERS:

- 11 (1) The request sought by Ellensburg Telephone Company for less than statutory notice is granted.

12 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 this 31st day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary