

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

In the Matter of the Petition of)	DOCKET NO. UT-030157
)	
Buyers United, Inc., and)	ORDER NO. 01
Touch America, Inc.,)	
)	
Petitioners,)	
)	
For Exemption from WAC 480-120-139.)	ORDER GRANTING EXEMPTION
.....)	

BACKGROUND

- 1 On February 4, 2003, Buyers United, Inc., (Buyers) and Touch America, Inc., (TA) jointly filed with the Commission a petition requesting exemption from WAC 480-120-139 and WAC 480-143 for the transfer of intrastate intraLATA and interLATA toll customers from TA to Buyers.

- 2 The reason for this request is prompted by the Petitioners' agreement to transfer the customer base of TA, whose accounts are comprised of both intraLATA and interLATA toll service. Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," Buyers would not be able to submit a change in a customer's intrastate toll service without confirming the customer's authorization in accordance with requirements.

- 3 Chapter 480-143 WAC, "Transfers of Property" prohibits telecommunications carriers from transferring property without first obtaining Commission approval.

- 4 On July 30, 1998, Buyers United International, Inc., (BUI) was granted competitive classification in Docket No. UT-980485. Under this classification, BUI received a waiver of WAC 480-143, Transfers of Property. On February 14, 2003, BUI changed its name to Buyers United, Inc., d/b/a United Carrier Networks and/or UCN and or BuyersOnline.

5 On August 12, 1997, TRI Touch America, Inc., (TRI) was granted competitive classification in Docket No. UT-960984. Under this classification, TRI received a waiver of WAC 480-143, Transfers of Property. On May 18, 2000, TRI changed its name to Touch America, Inc.

6 The request for waiver of WAC 480-120-139 is limited specifically to the transfer of TA's customer base. Customer notices have been reviewed by Commission Staff and will be mailed to all affected customers informing them of their options. Buyers will purchase and utilize TA's carrier identification code (CIC code) thereby causing no charge to TA's customers pursuant to transferring the customers to Buyers. Buyers' products and services are similar to those offered by TA. Buyers' customer rates are the same or lower than TA's existing rates. Buyers will provide to customers notice of changes in rates and services.

FINDINGS AND CONCLUSIONS

7 (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 telecommunication companies. *RCW 80.01.040; Chapter 80.04 RCW, and Chapter 80.36 RCW.*

8 (2) Buyers United, Inc., and Touch America, Inc., are engaged in the business of providing telecommunication services within the state of Washington and are public service companies subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.

9 (3) Buyers United, Inc., is subject to the provisions of WAC 480-120-139, requiring telecommunication companies to obtain customer authorization prior to switching a customer's service.

- 10 (4) The Commission previously granted a waiver of WAC 480-143 to both
Buyers United, Inc., and Touch America, Inc., in Docket Nos. UT-980485
and UT-960984, respectively. Therefore the request to waive
WAC 480-143 is unnecessary.
- 11 (5) 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.
- 12 (6) Staff has reviewed the request in Docket No. UT-030157 and
recommended the exemption requested by Buyers United, Inc., and Touch
America, Inc., be granted, subject to the mailing of the customer notice.
- 13 (7) This matter was brought before the Commission at its regularly scheduled
meeting on February 28, 2003.
- 14 (8) After review of the petition filed in Docket No. UT-030157 by Buyers
United, Inc., and Touch America, Inc., on February 4, 2003, and giving
due consideration, the Commission finds that the exemption from
WAC 480-120-139 is consistent with the public interest and should be
granted.

ORDER

THE COMMISSION ORDERS:

- 15 (1) After the effective date of this Order, Buyers United, Inc., is granted an
exemption from WAC 480-120-139, Changes in local exchange and

intrastate toll services, for the initial transfer of intraLATA and interLATA toll customers from Touch America, Inc.

- 16 (2) This exemption is subject to Buyers United, Inc., mailing of customer notices.
- 17 (3) The request for waiver of WAC 480-143, Transfers of Property, has been approved previously in Docket Nos. UT-980485 and UT-960984, and is therefore unnecessary.
- 18 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 28th day of February, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary