

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

In the Matter of the Petition of)	DOCKET NO. UT-030384
)	
C III Communications, LLC,)	ORDER NO. 01
C III Communications Operations,)	
LLC,)	
Broadwing Communications Services,)	
Inc.,)	
and)	
)	
Broadwing Telecommunications, Inc.,)	
)	
Petitioners,)	
)	
For Exemption from WAC 480-120-139.)	ORDER GRANTING EXEMPTION
.....)	

BACKGROUND

- 1 On March 21, 2003, C III Communications, LLC, (C III), C III Communications Operations, LLC, (C III Ops), Broadwing Communications Services, Inc., (Broadwing Communications Services, Inc., (Broadwing-CSI) and Broadwing Telecommunications, Inc., (Broadwing-TI) filed with the Commission a petition requesting exemption from WAC 480-120-139 for the transfer of intrastate intraLATA and interLATA toll customers from Broadwing Telecommunications, Inc., (Broadwing-TI) to C III Communications Operations, LLC, (C III Ops).

- 2 The reason for this request is prompted by the Petitioners' agreement to transfer the customer base of Broadwing Telecommunications, Inc., (Broadwing-TI), whose accounts are comprised of both intraLATA and interLATA toll service. Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," C III Ops 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 The request for waiver of WAC 480-120-139 is limited specifically to the transfer of Broadwing-TI's customer base. Customer notices have been reviewed by Commission Staff and will be mailed to all affected customers informing them of their options. C III Ops will purchase and utilize Broadwing-TI's carrier identification code (CIC code) thereby causing no charge to Broadwing-TI's customers pursuant to transferring the customers to C III Ops. C III Ops' products and services are similar to those offered by Broadwing-TI. C III Ops's customer rates are the same or lower than Broadwing-TI's existing rates. C III will change its name to Broadwing Communications, LLC, and will provide services under the Broadwing trademark. C III Ops will provide to customers notice of changes in rates and services.

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, 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.*
- 5 (2) C III Ops and Broadwing-TI 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.
- 6 (3) C III Ops is subject to the provisions of WAC 480-120-139, requiring telecommunication companies to obtain customer authorization prior to switching a customer's service.

- 7 (5) Commission Staff reviewed the request and recommended granting CIII, C III Ops, Broadwing-CSI and Broadwing-TI's request for exemption, subject to the condition of mailing of the customer notice.
- 8 (6) This matter was brought before the Commission at its regularly scheduled meeting on April 23, 2003.
- 9 (7) After review of the petition filed in Docket UT-030384 by C III, C III Ops, Broadwing-CSI and Broadwing-T1 on March 21, 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.

O R D E R

THE COMMISSION ORDERS:

- 10 (1) After the effective date of this Order, C III Communications Operations, LLC, 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 Broadwing Telecommunications, Inc.
- 11 (2) This exemption is subject to C III Communications Operations, mailing of customer notices.

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

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DATED at Olympia, Washington, and effective this 23rd day of April, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary