

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of:  
ELLENSBURG TELEPHONE  
COMPANY

For Minimal Regulation of  
Bundled Telecommunications Services

Docket No. UT-

PETITION OF ELLENSBURG TELEPHONE  
COMPANY FOR MINIMAL REGULATION  
OF BUNDLED TELECOMMUNICATIONS  
SERVICES

1. This petition is brought by Ellensburg Telephone Company (“Ellensburg”), 305 North Ruby Street, PO Box 308, Ellensburg, WA 98926. Ellensburg is represented in this matter by:

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2. Ellensburg requests the Commission to subject its current and future packaged and bundled intrastate telecommunications services to minimal regulation pursuant to Chapter 26, Laws 2007, Section 2(1) (“the law”).
3. Ellensburg is a telecommunications company registered with the Commission but is not classified as a competitive telecommunications company. Ellensburg is thus a “noncompetitive

PETITION OF ELLENSBURG TELEPHONE COMPANY  
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telecommunications company” under the law.

#### **APPLICATION OF THE LAW**

4. The law applies to non-competitively classified telecommunications companies and provides that (a) the non-competitively classified service components of packages and bundles subject to minimal regulation shall remain available on a stand-alone basis under tariff, (b) the price of such packages and bundles must not be less than the cost of the tariffed components plus the cost of any competitively classified components, and (c) the availability and prices of the stand-alone non-competitively classified components be displayed in the company’s tariff and on its web site.
5. The law also states that “minimal regulation” has the same meaning as under RCW 80.36.330. The meaning of minimal regulation is described in RCW 80.36.330(2), which requires companies at a minimum to (a) keep their accounts according to Commission rules, (b) file financial reports as required by the Commission, and (c) cooperate with Commission investigations of customer complaints. This subsection previously also provided that minimal regulation included the use of price lists rather than tariffs, but 2006 legislation required the withdrawal of price lists and precludes the filing of new price lists, with the result that services subject to minimal regulation are detariffed.<sup>1</sup>
6. For purposes of RCW 19.86.170, actions or transactions associated with Ellensburg’s bundles and packages that are not governed by RCW and WAC provisions administered by the Commission shall not be deemed otherwise permitted, prohibited, or regulated by the commission.

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<sup>1</sup> RCW 80.36.333. The Commission has revised its rules accordingly. General Order R-540 (March 30, 2007; revised April 20, 2007), Docket No. UT-060676.

## ELLENSBURG'S PACKAGES AND BUNDLES

7. Ellensburg requests minimal regulation of the following categories of packages and bundles:

Bundle	Description	Examples
Tariffed service(s) <sup>2</sup>	Two or more tariffed services.	Custom calling features; or access line plus custom calling features
Tariffed service(s) + competitive service(s) <sup>3</sup>	Two or more services, with a minimum of one tariffed service and one competitive service.	Access line plus long distance service
Tariffed + competitive + non-regulated service(s) <sup>4</sup>	Three or more services, with a minimum of one tariffed service, one competitive service and one non-regulated service.	Access line, long distance and inside wire maintenance and/or Internet service
Tariffed + non-regulated service	Two or more services, with a minimum of one tariffed service and one non-regulated service.	Access line and inside wire maintenance and wireless service and/or video service

Examples of Ellensburg bundles and packages that are currently – or in the future may be – offered in Washington include, but are not limited to: for residential customers, ‘Home Phone Standard Feature Package’ (long distance calling within the continental United States and Canada plus two calling features and voice mail), ‘Home Phone Standard Plus Feature Package’ (long distance calling within the continental United States and Canada plus eight calling features and voice mail), ‘Home Phone 150’ (up to 150 minutes of long distance calling within the continental United States and Canada plus two calling features and voice mail), ‘Home Phone 150 Plus’ (up to 150 minutes of long distance calling within the continental United States and Canada plus eight calling features and voice mail), ‘Home Phone 300’ (up to 300 minutes of long distance calling within the continental United States and Canada plus two calling features

<sup>2</sup> “Tariffed service” means an intrastate telecommunications service subject to the Commission’s jurisdiction which has not been classified as competitive under RCW 80.36.330.

<sup>3</sup> “Competitive service” means a service provided by Ellensburg that the Commission has classified as competitive under RCW 80.36.330 and/or a service provided by a company classified as competitive under RCW 80.36.320.

<sup>4</sup> “Non-regulated services” includes services provided by Ellensburg that are not within the Commission’s jurisdiction and services provided by other companies (Ellensburg affiliates and non affiliates) that are not subject to Commission regulation.

and voice mail), 'Home Phone 300 Plus' (up to 300 minutes of long distance calling within the continental United States and Canada plus eight calling features and voice mail), 'Home Phone 1500' (long distance calling within the continental United States and Canada with no limit on the number of minutes used plus two calling features and voice mail) and 'Home Phone 1500 Plus' (long distance calling within the continental United States and Canada with no limit on the number of minutes used plus eight calling features and voice mail). Ellensburg offers the above bundles in combination with DSL and digital TV, as well.

### **REQUEST FOR MINIMAL REGULATION**

8. Ellensburg requests that its bundles and packages of telecommunications services be subject to minimal regulation as described in the law. The law recognizes the distinction between packages and bundles on the one hand and the noncompetitive, regulated service components of such packages and bundles when offered on a stand-alone basis on the other. The package or bundle is a service offering in its own right and will be provided pursuant to non-tariffed rates, terms and conditions, with consumers having the option to instead acquire the noncompetitive, regulated service components of such bundles and packages on a stand-alone basis pursuant to tariff and full regulation under the Commission's rules. The pricing of packages and bundles shall be governed exclusively by Chapter 26, laws 2007, Section 2(1). Accordingly, RCW and WAC provisions that are incompatible with the concepts of packages and bundles as service offerings and of minimal regulation will not apply to Ellensburg's bundles and packages that include telecommunications services that, on a stand-alone basis, are tariffed and fully regulated.

Ellensburg requests that the Commission specify that the following do not apply to Ellensburg's packages and bundles under minimal regulation:

- a. RCW 80.36.100,
- b. RCW 80.36.110,
- c. WAC 480-80,

- d. WAC 480-120-103(1)(a),
- e. RCW 80.36.150, and
- f. WAC 480-120-161.

9. Ellensburg requests that the Commission's order granting this petition be effective upon issuance. Ellensburg will treat any new packages and bundles introduced thereafter as being subject to minimal regulation, and it will withdraw current packages and bundles from its tariffs, at which time they will become subject to minimal regulation.

### CONCLUSION

10. Ellensburg requests that the Commission issue an order subjecting the Company's current and future bundles and packages to minimal regulation as described in this petition.

DATED this 23rd day of July, 2007.

ELLENSBURG TELEPHONE COMPANY

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