

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

In the Matter of the)	DOCKET UT-071859
)	
)	ORDER 01
)	
)	WITHDRAWING
)	TELECOMMUNICATIONS
Withdrawal of Telecommunications)	COMPANIES' PRICE LISTS
Companies' Price Lists Pursuant to)	PURSUANT TO SUBSTITUTE
Substitute Senate Bill 6473)	SENATE BILL 6473
.....)	

SYNOPSIS

The Commission on its own motion withdraws the price lists of competitively classified companies and services that were remaining on file as of June 30, 2007, pursuant to Substitute Senate Bill 6473.

PROCEDURAL BACKGROUND

- 1 On February 14, 2006, the legislature passed Substitute Senate Bill 6473 (SSB 6473) which eliminated the Commission's authority to require price lists of competitive companies or services to be maintained on file after June 30, 2007. The legislation has been codified in RCW 80.36.333.

- 2 RCW 80.36.333(1), as amended, states:

Until June 30, 2007, a telecommunications company may continue to maintain on file with the commission any price list that, pursuant to RCW 80.36.100, 80.36.320, and 80.36.330, was on file and in effect before June 7, 2006. The price list is subject to the statutes and rules in effect immediately before June 7, 2006.

- 3 RCW 80.36.333(2), as amended provides "The commission may, upon petition by a company with a price list on file before June 7, 2006, extend the deadline in subsection (1) of this section until June 30, 2008." The petitioning company would need to demonstrate that it cannot reasonably implement a replacement of its price list and that the extension will not harm customers or competition. The Commission received no such petition.

- 4 After June 7, 2006, and prior to June 30, 2007, companies were allowed to withdraw their price list(s) on their own motion pursuant to RCW 80.36.338.

5 In response to SSB 6473, the Commission amended, repealed and adopted rules in
WAC 480-80 which eliminated references and procedures related to price lists and price
list filings.¹

6 As of June 30, 2007, approximately 100 telecommunications companies withdrew their
price lists on file with the Commission, as allowed under RCW 80.36.338. Approximately
300 telecommunications companies failed to withdraw their price list(s) by June 30, 2007.

RELEVANT STATUTES AND COMMISSION RULES

7 RCW 80.36.300 permits flexible regulation of competitive telecommunications companies
and services.

8 RCW 80.36.320 and 80.36.330 state that competitive telecommunications companies and
services, respectively, shall be subject to minimal regulation.

9 Under RCW 80.36.333, a company may maintain its price list(s) on file with the
Commission until June 30, 2007, or petition for extension of the deadline until
June 30, 2008.

10 Under RCW 80.36.338, telecommunications companies may withdraw their price list(s) on
or before June 30, 2007, provided that each customer received a notice if any of the rates,
terms, and conditions changed upon withdrawal.

FINDINGS OF FACT

11 (1) The Washington Utilities and Transportation Commission is an agency of the state
of Washington, vested by statute with authority to regulate rates, rules, regulations,
practices, accounts, securities, and transfers of public service companies, including
telecommunications companies. *RCW 80.01.040, RCW 80.04 and RCW 80.36.*

12 (2) Approximately 300 telecommunications companies failed to withdraw their price
list(s) by June 30, 2007, as allowed by RCW 80.36.338(1).

13 (3) The Commission received no petition from a telecommunications company
requesting an extension of the June 30, 2007, deadline as allowed by
RCW 80.36.338(2).

¹ The Commission's Order Adopting, Amending and Repealing Rules in Docket UT-060676 was filed with the Code Reviser on March 27, 2007, and the rules became effective April 27, 2007.

CONCLUSIONS OF LAW

- 14 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 15 (2) In accordance with RCW 80.01.040 and RCW 80.36, the price lists for those telecommunications companies that remain on file with the Commission as of June 30, 2007, should be withdrawn.

ORDER

THE COMMISSION ORDERS:

- 16 (1) The price lists for those telecommunications companies that remain on file with the Commission as of June 30, 2007, are withdrawn.
- 17 (2) The Commission retains jurisdiction over this matter to effectuate the provisions of this order.

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

DATED at Olympia, Washington, and effective October 24, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary