

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

In the Matter of the Petition of)	DOCKET NO. UT-030867
)	
BG ENTERPRISES, INC., d/b/a)	ORDER NO. 04
GRIZZLY TELEPHONE)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-122-020)	ORDER GRANTING
Relating to Washington Telephone)	TEMPORARY EXEMPTION
Assistance Program Rate)	FROM WAC 480-122-020
.....)	

BACKGROUND

- 1 On December 8, 2003, BG Enterprises, Inc., d/b/a Grizzly Telephone (Grizzly) filed a petition requesting continued exemption or a stay of enforcement of WAC 480-122-020. Grizzly filed for an initial exemption from the rule on June 5, 2003. On June 17, 2003, the Commission granted a partial exemption from WAC 480-122-020 until August 1, 2003, and WAC 480-120-146 (formerly WAC 480-120-139). On July 24, 2003, Grizzly filed for continued exemption or full waiver of WAC 480-122-020. On July 31, 2003, the Commission granted this request until December 31, 2003.
- 2 WAC 480-122-020 requires non-eligible telecommunications carriers to offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through RCW 80.36.475 when one hundred or more of its access lines are subscribed to for residential service.
- 3 Grizzly has requested continuation of the exemption or a full waiver from WAC 480-122-020. Grizzly states that adoption of a final rule pertaining to reimbursement by the Washington Telephone Assistance Program (WTAP) to

telecommunications companies is still undecided. Without continued exemption or full waiver of the rule, Grizzly would be forced to provide services to WTAP clients at a reimbursement rate that is below its cost of providing the service.

- 4 Commission Staff reviewed the request and recommends granting Grizzly a temporary exemption through June 30, 2004. Staff recommended that, as a condition of the exemption, the Commission require that Grizzly continue to inform all applicants for service that WTAP service is available from other LECs for the currently ordered assistance rate for households that are eligible for the service.

FINDINGS AND CONCLUSIONS

- 5 (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 telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*
- 6 (2) Grizzly is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 7 (3) Grizzly is subject to the provisions of WAC 480-122-020, which requires non-eligible telecommunications carriers to offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through RCW 80.36.475 when one hundred or more of its access lines are subscribed to for residential service.

- 8 (4) WAC 480-120-015 provides that the Commission may grant exemptions from rules when it is in the public interest and consistent with the purpose of regulation and applicable state statutes.
- 9 (5) Grizzly complied with the requirement in the Commission's previous order of July 31, 2003, to advise all applicants that WTAP is available from other local exchange carriers at a rate of \$8 per month effective August 1, 2003.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on December 31, 2003.
- 11 (7) After review of the petition filed in Docket UT-030867 by Grizzly on December 8, 2003, and giving due consideration, the Commission finds that a temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) BG Enterprises, Inc., d/b/a Grizzly Telephone is granted a temporary exemption from offering the WTAP rate and discounts to customers, as set forth in WAC 480-122-020, through June 30, 2004, as conditioned in the body of this Order.
- 13 (2) BG Enterprises, Inc., d/b/a Grizzly Telephone must continue to advise all eligible applicants that WTAP is available from other local exchange carriers at a rate of \$8 per month.
- 14 (3) The Commission retains jurisdiction over the subject matter and BG Enterprises, Inc., d/b/a Grizzly Telephone to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 31st day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

PATRICK J. OSHIE, Commissioner