

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

In the Matter of the Request of)	DOCKET UT-073015
)	
SPRINT NEXTEL CORPORATION,)	ORDER 01
)	
)	ORDER GRANTING
For a Temporary Exemption from the)	TEMPORARY EXEMPTION
Requirements in WAC 480-123-070(6))	FROM THE REQUIREMENTS OF
)	WAC 480-123-070(6)
.....)	

BACKGROUND

- 1 Sprint Nextel Corporation (Sprint) is subject to WAC 480-123-070(6) and must certify each July that throughout the previous calendar year it was able to function in emergency situations. Sprint makes the annual certification as part of the process that results in continued payments of federal universal service support to the company. The process ends when the Commission, based on Sprint’s certification, certifies in turn to the Federal Communications Commission (FCC) that Sprint “will use federal high-cost universal service fund support only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended.”
- 2 The Commission adopted the back-up power requirement in July 2006. At the time of adoption and throughout 2006 Sprint continued to operate one microwave hub without a back-up generator. Sprint began the process of planning the installation of a generator in 2006. Because Sprint operated in 2006 without the back-up generator, it cannot certify that it was able to function in emergency situations throughout 2006.

DISCUSSION

- 3 Sprint’s request for an exemption for the filing in 2007 relating to 2006 is reasonable because the requirement for a back-up generator at all microwave hubs was new in 2006. Sprint had no legal obligation to begin 2006 with a back-up generator at the hub. Because Sprint began the year without a back-up generator, it cannot certify that it was able to operate in emergency situations throughout 2006.

- 4 The Commission has provided temporary exemptions when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. We conclude granting the requested temporary exemption will not be inconsistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

- 5 (1) The Commission has jurisdiction over Sprint and the subject matter of this proceeding.
- 6 (2) The request for a temporary exemption is not inconsistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Sprint Nextel Corporation's request for a temporary exemption from WAC 480-123-070(2) for the ETC certification filing made in 2007 is granted.

DATED at Olympia, Washington, and effective September 26, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner