

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

In the Matter of the Request of	)	DOCKET NO. UT-030877
	)	
Toledo Telephone Co., Inc.,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
For Less Than Statutory Notice in	)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions.	)	STATUTORY NOTICE
.....	)	

**BACKGROUND**

1 On June 6, 2003, Toledo Telephone Co., Inc., (Toledo or the Company) filed with the Commission revisions to its currently effective Tariff WN U-1, designated as:

**SHEET**

**REVISION**

11

1st

2 The purpose of this filing is to have the proper WAC references in place when the new rules in Chapter 480-120 WAC take effect on July 1, 2003, and to clean up outdated provisions.

3 RCW 80.36.110 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheets bear an inserted effective date of July 6, 2003. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revisions become effective July 1, 2003. This filing will assure that proper WAC references are in place when the new rules take effect on July 1, 2003, and will clean up outdated provisions. The Company regrets that it was not able to file these revisions prior to June 1, 2003.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Toledo's request with an effective date of July 1, 2003.

### 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, 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) Toledo is a telecommunications company and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) Toledo is subject to the provisions of RCW 80.36.110 and WAC 480-80-121 requiring telecommunications companies to file changes in any rate or charge with thirty days' notice. For good cause shown, however, the commission may allow changes without requiring thirty days' notice by order specifying the changes to be made and the time when it shall take effect. *WAC 480-80-122.*
- 8 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 9 (5) Staff has reviewed the request in Docket UT-030877 and recommended the less than statutory notice request of Toledo be granted.

- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on June 27, 2003.
- 11 (7) After examination of the proposed tariff revisions filed by Toledo on June 6, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective July 1, 2003.

### ORDER

#### THE COMMISSION ORDERS:

- 12 (1) The request sought by Toledo Telephone Co., Inc., for less than statutory notice is granted.

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

DATED at Olympia, Washington, and effective this 27th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary