

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

In the Matter of the Request of)	DOCKET NO. UT-031178
)	
UNITED TELEPHONE COMPANY)	ORDER NO. 01
OF THE NORTHWEST,)	
)	
Petitioner,)	
)	
For Less Than Statutory Notice in)	
Connection with Tariff Revisions.)	ORDER GRANTING LESS THAN
.....)	STATUTORY NOTICE
)	

BACKGROUND

- 1 On July 21, 2003, United Telephone Company of the Northwest (Sprint), filed with the Commission revisions to its currently effective Tariff WN U-2, designated as Revised Sheet 1. On July 28, 2003, Sprint filed substitute pages lowering the request to \$8.00, consistent with the Commission’s decision in Docket UT-031033. The filing is made to reflect the new monthly rate Washington Telephone Assistance Program (WTAP) customers will pay for service.
- 2 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 August 1, 2003. This date does not recognize 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 as indicated. Sprint’s request for less than statutory notice is in compliance with the request of Commission Staff. Commission Staff notified local exchange carriers that the monthly rate WTAP customers would pay for service would be determined at the open meeting held July 24, 2003, and become effective August 1, 2003.
- 3 WAC 480-120-194 requires notification to customers or publication of the increase sought in this filing. Granting the Company’s less than statutory notice request also requires an exemption from WAC 480-120-194. For the same reason(s) listed for seeking less than statutory notice, the Company seeks an exemption from notice requirements. The Department of Social and Health Services (DSHS) notified affected customers of the proposed increase in the monthly rate for service. The notice to affected customers was sent more than 30 days in advance of the effective date, and informed

WTAP participants that the proposed rate for service was \$9.00, \$1.00 higher than what was approved by the Commission on July 24, 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 Sprint's request with an effective date of August 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) Sprint is a telecommunications company and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) Sprint 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-031178 and recommended the less than statutory notice request of Sprint be granted. Staff further recommended the Commission grant an exemption to WAC 480-120-194. Notification to affected customers was made by DSHS more than 30 days in advance of the effective date, and informed WTAP participants that the proposed rate for service was higher than what was approved by the Commission on July 24, 2003.

- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on July 31, 2003.
- 11 (7) After examination of the proposed tariff revisions filed by Sprint on July 21, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective August 1, 2003.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The request sought by United Telephone Company of the Northwest for less than statutory notice is granted.
- 14 (2) After the effective date of this Order, United Telephone Company of the Northwest is granted an exemption from WAC 480-120-194, Publication of proposed tariff changes to increase charges or restrict access in service.

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 31st day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary