

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of )  
Electric Lightwave, Inc. ) DOCKET UT-001711  
for a Waiver or Modifications of )  
WAC 480-120-027(3)(a) )  
)  
)  
) ORDER GRANTING  
) WAIVER OF RULES  
)

On November 6, 2000, Electric Lightwave, Inc. filed a petition requesting waiver of WAC 480-120-027(3)(a), which requires that contracts with end-use customers at prices or terms other than contained in a price list be filed with the Commission within five days after execution.

In requesting the waiver, Electric Lightwave argues that the five-day time interval is not sufficient for it to process and file contracts that differ from its price lists. It argues that a longer interval, or a total waiver of the filing requirement, would not harm customers or competitors.

Electric Lightwave and Commission staff have developed an alternative filing deadline that will permit the company more flexibility in filing end user contracts while still affording the Commission an opportunity to review those contracts and, if necessary, reject them.

Under the alternative filing deadline agreed to by staff and Electric Lightwave, the requirement in WAC 480-120-027(3)(a) that contracts be filed within five days after execution would be waived and instead the following deadlines would apply for filing of contracts that must be filed under WAC 480-120-027:

The company must file any such contract at least 10 days before its stated effective date, unless the contract includes a provision allowing the WUTC to reject the contract during the first 15 days after it is filed. If such a provision is included, the contract must be filed within 15 days after its stated effective date. This waiver, unless revoked earlier by the WUTC, expires on the earlier of April 1, 2002, or the effective date of the next revision to WAC 480-120-027.

FINDINGS

1. Electric Lightwave, Inc., is a public service company subject to the jurisdiction of this Commission under the provisions of chapter 80.36 RCW.
2. The waiver of WAC 480-120-027(3)(a), with an alternative filing requirement, is reasonable and consistent with the public interest and should therefore be approved.

ORDER

THE COMMISSION ORDERS;

After the effective date of this order, Electric Lightwave, Inc., is hereby granted a waiver of the filing deadline in WAC 480-120-027(3)(a). Instead, the following provision applies to contracts that must be filed with the Commission:

Electric Lightwave, Inc. must file any contract at least 10 days before its stated effective date, unless the contract includes a provision allowing the Commission to reject the contract during the first 15 days after it is filed. If such a provision is included, the contract must be filed within 15 days after its stated effective date.

This waiver, unless revoked earlier by the WUTC, expires on the earlier of April 1, 2002, or the effective date of the next revision to WAC 480-120-027.

DATED at Olympia, Washington, and effective this 28th day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary