

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

In the Matter of the Petition of)	DOCKET NO. UT-030909
)	
NETWORK US, INC., d/b/a)	ORDER NO. 01
CA Affinity)	
)	
Petitioner,)	
)	
)	
For Exemption from WAC 480-120-139.)	ORDER GRANTING EXEMPTION
.....)	

BACKGROUND

- 1 On June 10, 2003, Network US, Inc. d/b/a CA Affinity, (Network US) filed with the Commission a petition requesting exemption from WAC 480-120-139 for the transfer of intrastate intraLATA and interLATA toll customers from Universal Broadband Communications, Inc., (UBC) to Network US.

- 2 The reason for this request is prompted by the Petitioner’s agreement to transfer the customer base of UBC, whose accounts are comprised of both intraLATA and interLATA toll service. Under WAC 480-120-139, “Changes in local exchange and intrastate toll services,” Network US would not be able to submit a change in a customer’s intrastate toll service without confirming the customer’s authorization in accordance with requirements.

- 3 The request for exemption of WAC 480-120-139 is limited specifically to the transfer of UBC’s customer base. Customer notices have been reviewed by Commission Staff and will be mailed to all affected customers informing them of their options. Network US will credit any charge imposed by local exchange carriers for changing the customers’ primary interexchange carriers to Network US. Network US’s products and services are similar to those offered by UBC. Network US’s customer rates are the same or lower than UBC’s existing

rates. Network US will provide to customers notice of changes in rates and services.

FINDINGS AND CONCLUSIONS

- 4 (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 telecommunication companies. *RCW 80.01.040; Chapter 80.04 RCW, and Chapter 80.36 RCW.*
- 5 (2) Network US and UBC are engaged in the business of providing telecommunication services within the state of Washington and are public service companies subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 6 (3) Network US is subject to the provisions of WAC 480-120-139, requiring telecommunication companies to obtain customer authorization prior to switching a customer's service.
- 7 (5) 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.
- 8 (6) Commission Staff reviewed the request and recommended granting Network US's request for an exemption, subject to the mailing of the customer notice.

- 9 (6) This matter was brought before the Commission at its regularly scheduled meeting on June 27, 2003.
- 10 (7) After review of the petition filed in Docket UT-030909 by Network US on June 10, 2003, and giving due consideration, the Commission finds that the exemption from WAC 480-120-139 is consistent with the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Network US, Inc., d/b/a CA Affinity is granted an exemption from WAC 480-120-139, Changes in local exchange and intrastate toll services, for the initial transfer of intraLATA toll customers from Universal Broadband Communications, Inc.
- 12 (2) This exemption is subject to Network US, Inc., d/b/a CA Affinity mailing customer notices.

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