

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

In the Matter of the Petition of)	DOCKET NO. UT-031028
)	
ELLENSBURG TELEPHONE)	ORDER NO. 01
COMPANY,)	
)	
Petitioner,)	
)	
Seeking Exemptions from the)	
Limited Provisions of WAC 480-)	
120-161(6), WAC 480-120-)	
172(7)(a)(ii), and WAC 480-120-)	
172(7)(a)(iii), Relating to Form of)	ORDER GRANTING LIMITED
Bills and Company Initiated)	AND TEMPORARY
Service Discontinuation Notices.)	EXEMPTIONS FROM RULES
.....)	

BACKGROUND

- 1 On June 24, 2003, Ellensburg Telephone Company (Ellensburg or the Company) filed a petition requesting limited and temporary exemption from WAC 480-120-161(6), relating to Form of Bills; and WAC 480-120-172(7)(a)(ii) and WAC 480-120-172(7)(a)(iii), relating to Company Initiated Service Discontinuation Notices.
- 2 WAC 480-120-161(6) requires that where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. Ellensburg is seeking only a limited and temporary (nine months) exemption from this rule subsection until April 1, 2004.
- 3 WAC 480-120-172(7)(a)(ii) requires that written discontinuation notice must include separately the amount(s) owing for the service(s) that is subject to discontinuation or restriction; and WAC 480-120-172(7)(a)(iii) requires that the notice must include a statement that clearly indicates the amount a customer

must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer. Ellensburg is seeking only a limited and temporary (two months) exemption from these rule subsections until September 1, 2003.

4 The Company states that it seeks an exemption from the rule subsections discussed above because the company just will not be able to meet the requirements by July 1, 2003, due to various billing system problems that Ellensburg is currently and expeditiously working on.

5 Commission Staff reviewed the petition and recommends granting Ellensburg's requests for exemptions because the Company is currently and expeditiously working on solutions to its billing problems and has committed to comply with these rule subsections by dates which are certain.

FINDINGS AND CONCLUSIONS

6 (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 telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*

7 (2) Ellensburg is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.

- 8 (3) Ellensburg is subject to the provisions of WAC 480-120-161, which requires specific forms of bills; and WAC 480-120-172, which requires specific notices for company initiated discontinuance of service.
- 9 (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.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 27, 2003.
- 11 (6) After review of the petition filed in Docket UT-031028 by Ellensburg on June 24, 2003, and giving due consideration, the Commission finds that the limited exemptions requested are reasonable and should be granted temporarily until September 1, 2003, and April 1, 2004, respectively.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, Ellensburg Telephone Company is granted a limited exemption from WAC 480-120-161(6), related to distinguishing between charges on the bill for which nonpayment will result in loss of basic service, for a temporary amount of time (nine months), until April 1, 2004.
- 13 (2) After the effective date of this Order, Ellensburg Telephone Company is also granted a limited exemption from the following two subsections of WAC 480-120-172:

- WAC 480-120-172(7)(a)(ii), related to separately including in the required notice the amount(s) owing for the service(s) that is subject to discontinuation or restriction, for a temporary amount of time (two months), until September 1, 2003; and
- WAC 480-120-172(7)(a)(iii), related to including a statement in the required notice that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer, for a temporary amount of time (two months), until September 1, 2003.

- 14 (3) The Commission retains jurisdiction over the subject matter and Ellensburg Telephone Company to effectuate the provisions of this Order.

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