

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

In the Matter of the Petition of	)	DOCKET NO. UT-040128
	)	
PHONE SOLUTION, INC.,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	
Provisions of WAC 480-122-020	)	ORDER GRANTING
Relating to Washington Telephone	)	TEMPORARY EXEMPTION
Assistance Program Rate	)	FROM WAC 480-122-020
.....	)	

**BACKGROUND**

- 1 On January 29, 2004, Phone Solution, Inc., (PSI) filed a petition requesting exemption from WAC 480-122-020. The Commission has granted temporary exemption to a similarly situated company<sup>1</sup>.
- 2 WAC 480-122-020 requires that non-eligible telecommunications carriers who provide residential service to one hundred or more access lines must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.
- 3 PSI contends that under the current rate structure, it would be forced to provide services to WTAP clients at a reimbursement rate that is far below its cost of providing the service.
- 4 Commission Staff reviewed the request and recommends granting PSI a temporary exemption through June 30, 2004. Staff recommends that, as a

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<sup>1</sup> In Docket UT-030867, BG Enterprises, Inc., d/b/a Grizzly Telephone (Grizzly) recently petitioned the Commission for continued exemption or full waiver of WAC 480-122-020; the Commission granted Grizzly temporary exemption until June 30, 2004.

condition of the exemption, the Commission requires that PSI continue to inform all applicants for service that WTAP services are available from other LECs for the currently ordered assistance rate for households that are eligible for the service.

### **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, 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.*
- 6 (2) PSI 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.
- 7 (3) PSI is subject to the provisions of WAC 480-122-020, which requires that non-eligible telecommunications carriers who provide residential service to one hundred or more access lines must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.
- 8 (4) WAC 480-120-015 provides that the Commission may grant exemptions from rules when it is in the public interest, consistent with the purpose of regulation and applicable state statutes.
- 9 (5) PSI has stated: it will facilitate a transition to another company of the customer's choice; it will comply with the 30-day notice period as required by WAC 480-120-083; and it has and will continue to inform all applicants

for service that WTAP services are available from other LECs for the currently ordered assistance rate for households that are eligible for the service.

10 (6) This matter was brought before the Commission at its regularly scheduled meeting on February 25, 2004.

11 (7) After review of the petition filed in Docket UT-040128 by PSI on January 29, 2004, and giving due consideration, the Commission finds that a temporary exemption is reasonable and should be granted.

### **ORDER**

#### THE COMMISSION ORDERS:

12 (1) Phone Solution, Inc., is granted a temporary exemption from offering the WTAP rate to customers, as set forth in WAC 480-122-020, through June 30, 2004, as conditioned in the body of this Order.

13 (2) Phone Solution, Inc., must continue to advise all eligible applicants that WTAP is available from other local exchange carriers at a rate of \$8 per month, or any subsequent rate.

14 (3) The Commission retains jurisdiction over the subject matter and Phone Solution, Inc., 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.

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DATED at Olympia, Washington, and effective this 25<sup>th</sup> day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary