

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

In the Matter of the Petition of	)	DOCKET NO. UT-040717
	)	
Local Access Prime LLC d/b/a Local	)	ORDER NO. 01
Access Communications,	)	
	)	
Petitioner,	)	
	)	
Seeking Exemption from the Provisions of	)	
WAC 480-120-303 Relating to Reporting	)	
Requirements of Telecommunications	)	
Companies to File Annual Report	)	
.....	)	
In the Matter of the Petition of	)	DOCKET NO. UT-040741
	)	
Mashell Telecom, Inc.,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the Provisions of	)	
WAC 480-120-304 Relating to Reporting	)	
Requirements of Telecommunications	)	
Companies to File Annual Report	)	
.....	)	
In the Matter of the Petition of	)	DOCKET NO. UT-040742
	)	
Rainier Connect, Inc.,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the Provisions of	)	ORDER GRANTING LIMITED
WAC 480-120-303 Relating to Reporting	)	EXEMPTION FROM RULES;
Requirements of Telecommunications	)	GRANTING COMPANY
Companies to File Annual Report	)	ADDITIONAL TIME TO FILE
.....	)	ANNUAL REPORT

## BACKGROUND

- 1 Mashell Telecom, Inc. (Mashell or the Company) merged with Rainier Connect, Inc. and Local Access Prime, LLC, d/b/a Local Access Communications effective January 1, 2004. On April 20, 2004, Mashell Telecom, Inc. and Rainier Connect, Inc., filed with the Commission a joint petition for an extension of time to file its 2003 annual report, as required by WAC 480-120-303 and WAC 480-120-304. On April 21, 2004, Local Access Prime, LLC, d/b/a Local Access Communications, filed with the Commission a petition for an extension of time to file its 2003 annual report, as required by WAC 480-120-303. Staff considered these petitions as one filing because of the January 1, 2004 merger. According to the Company, it is unable to prepare the report because its financial records are unavailable due to the recent merger. The Company seeks an extension of time until June 1, 2004.
- 2 Commission Staff reviewed the request and recommended granting the Company's request for an extension of time.

## FINDINGS AND CONCLUSIONS

- 3 (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.*
- 4 (2) Mashell is a telecommunications company and is a public service company subject to the jurisdiction of the Commission.

- 5 (3) Mashell is subject to the provisions of RCW 80.04.080, WAC 480-120-303,  
and WAC 480-120-304, requiring telecommunications companies to file an  
annual report no later than May 1<sup>st</sup> of each year.
- 6 (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.
- 7 (5) This matter was brought before the Commission at its regularly scheduled  
meeting on May 12, 2004.
- 8 (6) After review of the petitions filed in Dockets UT-040717, UT-040741, and  
UT-040742 by Mashell on April 20, 2004, and April 21, 2004, and giving  
due consideration, the Commission finds the exemption is reasonable and  
should be granted.

## ORDER

### THE COMMISSION ORDERS:

- 9 (1) The exemption sought by Local Access Prime, LLC, d/b/a Local Access  
Communications, Mashell Telecom, Inc., and Rainier Connect, Inc., for an  
extension in time until June 1, 2004, to file its 2003 annual report is  
granted.
- 10 (2) Failure by Local Access Prime, LLC, d/b/a Local Access Communications,  
Mashell Telecom, Inc., and Rainier Connect, Inc., to file its 2003 annual  
report by June 1, 2004, may result in the Commission invoking provisions  
of Chapter 80.04 RCW that provide for penalty assessments.

- 11 (3) The Commission retains jurisdiction over the subject matter and Local Access Prime, LLC, d/b/a Local Access Communications, Mashell Telecom, Inc., and Rainier Connect, 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.

DATED at Olympia, Washington, and effective this 12<sup>th</sup> day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary