

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

In the Matter of the Petition of)	DOCKET NO. UT-041334
)	
Tel West Communications, LLC)	ORDER NO. 01
)	
)	
For Exemption from WAC 480-120-147.)	ORDER GRANTING EXEMPTION
.....)	

BACKGROUND

- 1 On July 22, 2004, Tel West Communications, LLC (Tel West) filed with the Commission a petition requesting exemption from WAC 480-120-147 (Changes in local exchange and intrastate toll services) which provides that a local exchange or intrastate toll carrier may not submit a change order for a local exchange or intrastate toll service until the order is confirmed in accordance with specified procedures that ensure prior customer approval of the change. The purpose of this rule is to protect the consumer from unexpected changes in its local and long distance service providers.

- 2 On June 10, 2004, Tel West and Phone Solution, Inc. (Phone Solution) executed an Account Purchase Agreement (Agreement) that provides for the transfer of the Washington customers of Phone Solution to Tel West. In accordance with WAC 480-120-147(7), on July 15, 2004, Tel West provided 30 days written notice to the approximately 116 Washington customers of Phone Solution informing them of the Agreement to transfer their service to Tel West on or about August 15, 2004. In the notice, Tel West advised customers of Phone Solution that their service would continue without interruption, at the same rates they were currently being billed, and that no action was required on their part. In the notice, customers were also advised of their right and ability to choose another service provider, at their option.

3 On July 21, 2004, Qwest began disconnecting the services of the customers of
Phone Solution. Qwest informed Tel West that approximately 63 customers of
Phone Solution have been disconnected. Qwest began disconnection of the
customers because of an outstanding account balance owed by Phone Solution.
Qwest agreed to stop disconnecting end user customers of Phone Solution until
August 2, 2004, pending the Commission's approval of Tel West's request for
exemption of WAC 480-120-147.

4 Under provisions of WAC 480-120-147, each customer must authorize a change
of its local service provider in advance of such a change taking place. An
exemption of this rule is required in order for Tel West to transfer service for the
remaining customers of Phone Solution before August 2, 2004, the date Qwest
has stated it will resume disconnection of these customers. Approval of this
petition is therefore in the public interest.

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 telecommunication companies. *RCW*
80.01.040; Chapter 80.04 RCW, and Chapter 80.36 RCW.

6 (2) Tel West is engaged in the business of providing telecommunication
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) Tel West is subject to the provisions of WAC 480-120-147 (Changes in local
exchange and intrastate toll services), requiring telecommunication

companies to notify customers at least 30 days prior to the transfer to a new service provider.

- 8 (4) Commission Staff reviewed the request and recommended granting Tel West's request for exemption from WAC 480-120-147 (Changes in local exchange and intrastate toll services).
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on July 28, 2004.
- 10 (6) After review of the petition filed in Docket UT-041334, and giving due consideration, the Commission finds that the exemption from WAC 480-120-147 is consistent with the public interest and should be granted.

ORDER

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Tel West Communications, LLC, is granted an exemption from WAC 480-120-147 (Changes in local exchange and intrastate toll services), which provides that a local exchange or intrastate toll carrier may not submit a change order for a local exchange or intrastate toll service until the order is confirmed in accordance with specified procedures that ensure prior customer approval of the change.

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 28th day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary