

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

In the Matter of the Petition of)	DOCKET UT-110799
)	
PEND OREILLE TELEPHONE)	ORDER 01
COMPANY,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-120-385)	ORDER GRANTING EXEMPTION
Telecommunications Companies to)	FROM RULE; GRANTING COMPANY
File the 2010 Annual Report no later)	ADDITIONAL TIME TO FILE
than May 1, 2011)	ANNUAL REPORT
.....)	

BACKGROUND

- 1 On April 29, 2011, Pend Oreille Telephone Company (Pend Oreille or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for an extension of time to file its 2010 annual report as required by WAC 480-120-385. According to Pend Oreille, it is unable to prepare the report due to the Company's independent auditors not yet having completed its final year-end financials. Pend Oreille seeks an extension until May 15, 2011.

- 2 Commission Staff reviewed the request and recommends granting Pend Oreille Telephone Company's request for exemption.

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 the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including telecommunications companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.36.*

- 4 (2) Pend Oreille is a telecommunications company and a public service company subject to Commission jurisdiction.

- 5 (3) Pend Oreille is subject to WAC 480-120-385, which requires telecommunications companies to file annual reports no later than May 1 of each year.
- 6 (4) Under WAC 480-120-015, the Commission may grant an exemption from any rule in WAC 480-120, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on May 12, 2011.
- 8 (6) After review of the petition filed in Docket UT-110799 by Pend Oreille on April 29, 2011, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request by Pend Oreille Telephone Company for an exemption from WAC 480-120-385 for an extension until May 15, 2011, to file its 2010 annual report is granted.
- 10 (2) Failure by Pend Oreille Telephone Company to file its annual report by May 15, 2011, may result in the Commission invoking RCW 80.04.405, which allows the Commission to assess penalties for violations of statute, rules and Commission orders.
- 11 (3) The Commission retains jurisdiction over the subject matter and Pend Oreille 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 May 12, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary