

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

REQUEST FOR ELIGIBLE
TELECOMMUNICATIONS CARRIER
(ETC) ANNUAL CERTIFICATION UNDER
WAC 480-123-060 THROUGH 480-123-080.

DOCKET NO.

PETITION FOR PARTIAL WAIVER
OF WAC 480-123-070

COMES NOW Ellensburg Telephone Company d/b/a Fairpoint Communications ("Ellensburg") by and through its attorney, Richard A. Finnigan, and hereby petitions the Commission for partial waiver of the requirements of WAC 480-123-070. Specifically the request is for waiver of the requirement to file on or before July 31 as set forth in that rule.

A petition for waiver is governed by WAC 480-07-110. A waiver may be granted if it is consistent with the public interest, the purposes of the underlying regulation, and applicable statutes. WAC 480-07-110(1).

The reason for the waiver is that Ellensburg inadvertently missed the July 31 date and filed its petition for recertification as an eligible telecommunication carrier on August 10, 2012.

The reason that Ellensburg missed the filing date is that due to a reorganization, the person who had the responsibility for making the filing did not realize that the responsibility had been assigned to that person. That matter has been rectified and should not reoccur.

Strict application of the rule is a hardship on Ellensburg and its customers since the penalty for not being recertified as an eligible telecommunications carrier is that

Ellensburg becomes ineligible to receive federal universal service support which is a substantial factor in its ability to provide ongoing communications service at high quality levels to its customers. Ellensburg has performed its role as an eligible telecommunications carrier to the substantial benefit of the customers it serves for many years. Strict application of the rule would be contrary to the purpose of recertification since Ellensburg has demonstrated year after year that it should be recertified as an eligible telecommunications carrier and that its customers benefit from such recertification.

Pursuant to the requirements of WAC 480-07-110(2)(a), a copy of this petition has been overnighted to the Public Counsel Section of the Attorney General's Office.

Based on the forgoing information, Ellensburg respectfully requests that the Commission grant the waiver sought by this Petition.

Submitted this 24th day of August, 2012

Richard A. Finnigan /cs

RICHARD A. FINNIGAN, WSB #6443