

SERVICE DATE

MAY 1 2 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
)	
ACCESS TRANSMISSION SERVICES,)	DOCKET NO. UT-931510
INC.,)	
)	
for Classification as a)	ORDER GRANTING PETITION
Competitive Telecommunications)	
Company.)	
)	
.)	

By petition filed December 13, 1993, Access Transmission Services, Inc., seeks classification in Docket No. UT-931510 as a competitive telecommunications company pursuant to RCW 80.36.320 and WAC 480-120-023. In support of its petition, petitioner alleges inter alia that its services are designed to compete with AT&T's inter-LATA service, and those of other interexchange carrier's inter-/intra-LATA service. It is stated in the petition that customers have readily available alternatives.

In conjunction with classification, the company is seeking waiver of the requirements of chapter 80.08 RCW (securities), chapter 80.12 RCW (transfers of property), chapter 80.16 RCW (affiliated interests), various provisions of chapter 80.36 RCW (telecommunications), chapters 80.04.300 and 80.04.320 RCW (budgets), and chapters 480-80, 480-120, 480-140, 480-143, 480-146 WAC.

On its own motion, the Commission determined that on the face of the petition no substantial issues of controversy were presented, and invoked the provisions of WAC 480-09-520, Formal investigation and fact-finding. A Notice of Formal Investigation and Fact-Finding was entered February 24, 1994. In that notice the Commission directed interested persons seeking to intervene to file a written petition to intervene not later than March 16, 1994. All interested persons were advised that, pursuant to WAC 480-09-520, no hearing was contemplated other than possible hearings for public testimony.

Petitions for intervention were filed on behalf of the Washington Independent Telephone Association (WITA) and GTE Northwest Incorporated (GTE-NW), and were subsequently withdrawn. No public hearings were necessary to develop the facts relevant to the proceeding.

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Rules involved include those within chapter 480-09 WAC, specifically WAC 480-09-520 and WAC 480-120-022, WAC 480-120-023, WAC 480-120-024, and WAC 480-120-025. Statutes invoked include RCW 80.36.320 and 80.36.145. The ultimate issues are whether the petitioner should be classified as a competitive telecommunications company, and the extent to which petitioner should be relieved of regulatory requirements to which petitioner would otherwise be subject.

Based upon the entire record and the file in this matter, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Petitioner Access Transmission Services, Inc., is registered as a telecommunications company with the Commission, providing private line, special access, and dark fiber services.
2. Alternative providers of service to that of petitioner include AT&T Communications, Inc., U S WEST Communications, Inc., MCI, and U S Sprint. All services are fully available from alternative providers in the relevant market.
3. The relevant market is the state of Washington.
4. Petitioner has no captive customer base.
5. The services offered are subject to effective competition.
6. Petitioner should be permitted to provide services under a price list.
7. Petitioner requested waivers of certain laws and rules relating to telecommunications services. The laws and rules for which waivers should be granted are listed on Appendix A, attached to this order and incorporated by this reference, made a part of this order.

CONCLUSIONS OF LAW

1. The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this classification proceeding and the parties.

2. Petitioner should be classified as a competitive telecommunications company pursuant to RCW 80.36.320 (1).

3. Petitioner will be permitted to provide services under price list pursuant to RCW 80.36.320 (2), the format of which will be subject to prior approval by the Commission. These services will not include alternate operator services as defined in WAC 480-120-141.

4. Petitioner should be granted waiver of the laws and rules listed in Appendix A. Waiver of laws and rules requested that are not included in Appendix A are denied.

O R D E R

THE COMMISSION ORDERS:

(1) The petition of Access Transmission Services, Inc., for classification as a competitive telecommunications company is granted.


(2) Waiver is granted of the laws and rules listed in Appendix A.

(3) The petitioner is authorized to offer services under price lists, the format of which will be subject to prior approval by the Commission, with price lists effective after 10 days notice to the Commission and to customers. In the event of a price reduction or a change in terms or conditions which do not have rate impact, personal notice to customers will not be required. Although the Commission does not have authority to waive the notice requirement, petitioner will have the option to publish notice of price reductions by a display advertisement in such newspaper or newspapers as are geographically situated so as to be circulated over the company's service area. The services offered by petitioner are not to include alternate operator services as defined in WAC 480-120-141.

DATED at Olympia, Washington, and effective this 11th day of May 1994.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


SHARON L. NELSON, Chairman


RICHARD HEMSTAD, Commissioner