

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

In the Matter of the Petition of	)	DOCKET UT-080746
	)	
ELECTRIC LIGHTWAVE, LLC,	)	ORDER 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the Provisions	)	
of WAC 480-120-382 Requiring	)	
Competitively Classified	)	ORDER GRANTING EXEMPTION
Telecommunications Companies to File	)	FROM RULE; GRANTING COMPANY
the 2007 Annual Report no later than	)	ADDITIONAL TIME TO FILE
May 1, 2008	)	ANNUAL REPORT
.....	)	

**BACKGROUND**

- 1 On April 30, 2008, Electric Lightwave, LLC (ELI or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for an extension of time to file its annual report for 2007 as required by [WAC 480-120-382](#). According to ELI, it is unable to prepare the report due to unexpected staff departures and delays in assembling necessary information. ELI seeks an extension until May 30, 2008.
- 2 Commission Staff reviewed the request and recommended granting ELI’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 public service companies, including competitively classified telecommunications companies. [RCW 80.01.040](#), [RCW 80.04](#) and [RCW 80.36](#).
- 4 (2) ELI is a competitively classified telecommunications company and a public service company subject to Commission jurisdiction.
- 5 (3) ELI is subject to [WAC 480-120-382](#), which requires competitively classified telecommunications companies to file an annual report 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) Exemption is appropriate in this case in order to ensure that the company's annual report is complete, based upon the best information available and prepared by a qualified professional.
- 8 (6) This matter came before the Commission at its regularly scheduled meeting on May 15, 2008.
- 9 (7) After reviewing the petition ELI filed in Docket UT-080746 on April 30, 2008, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

## ORDER

### THE COMMISSION ORDERS:

- 10 (1) Electric Lightwave, LLC's petition for an exemption from WAC 480-120-382 for an extension until May 30, 2008, to file its 2007 annual report is granted.
- 11 (2) Failure of Electric Lightwave, LLC, to file its annual report by May 30, 2008, 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.
- 12 (3) The Commission retains jurisdiction over the subject matter and Electric Lightwave, LLC, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 1, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary