

Agenda Date: June 13, 2019  
Item Number: A3

**Docket:** UT-190409  
Company Name: Washington Independent Telecommunications Association (WITA)

Staff: Tim Zawislak, Senior Regulatory Analyst  
Jennifer Cameron-Rulkowski, Assistant Attorney General  
Sean Bennett, Regulatory Analyst  
Jing Roth, Assistant Director - Telecommunications

### **Recommendation**

Enter an Order Granting the Washington Independent Telecommunications Association's Request for Modification of and Exemption from the second sentence of WAC 480-123-110(4).

### **Background**

On May 22, 2019, the Washington Independent Telecommunications Association (WITA) filed a petition on behalf of each of its members requesting that the Washington Utilities and Transportation Commission (commission) modify the application of WAC 480-123-110(4). As the rule is currently written, the program is set to expire on June 30, 2019. However, the Second Substitute Senate Bill 5511, which amends the current state Universal Communications Services Program (UCS program or Program), extends the Program for another five years. The Governor signed the bill into law on May 13, 2019.

WITA respectfully requested that the commission modify the application of WAC 480-123-110(4) to reflect the Program's extension.

### **Discussion**

The commission's procedural rules provide that the commission may grant an exemption from, or modify the application of, any of its rules if the exemption or modification is "consistent with the public interest, the purposes underlying regulation, and applicable statutes." *WAC 480-07-110(1)*. Commission staff (staff) has reviewed the petition in light of current rules and the intent of the new legislation. Staff believes that granting the petition will allow a timely distribution of the support to WITA and other companies for the first year of the newly funded five-year Program.

Commission staff also recommends that the remaining rules in WAC 480-123 be followed and retained until the commission establishes new rules to implement Second Substitute Senate Bill 5511. The commission must initiate a complex rulemaking by August 11, 2019 to comply with Second Substitute Senate Bill 5511..

**Recommendation**

Commission staff recommends that the commission enter an order granting WITA's request for modification of and exemption from the second sentence of WAC 480-123-110(4).