

SERVICE DATE
DEC 30 1998

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In The Matter of the Petitions of	)	DOCKET NOS.
)	
YELM TELEPHONE COMPANY; THE TOLEDO	)	UT-970333; UT-970334
TELEPHONE COMPANY; McDANIEL TELEPHONE	)	UT-970335; UT-970336
COMPANY; MASHELL TELECOM, INC.; LEWIS	)	UT-970337; UT-970338
RIVER TELEPHONE COMPANY; HOOD CANAL	)	UT-970339; UT-970340
TELEPHONE COMPANY; ELLENSBURG	)	UT-970341; UT-970342
COMPANY; ASOTIN TELEPHONE	)	UT-970343; UT-970344
COMPANY; TELEPHONE UTILITIES OF	)	UT-970345; UT-970346
WASHINGTON, INC.; PEND OREILLE TELEPHONE	)	UT-970347; UT-970348
COMPANY; TENINO TELEPHONE COMPANY;	)	UT-970349; UT-970350
KALAMA TELEPHONE COMPANY; UNITED	)	UT-970351; UT-970352
STATES CELLULAR CORPORATION; PIONEER	)	UT-970353; UT-970354
TELEPHONE COMPANY; HAT ISLAND	)	UT-970356
TELEPHONE COMPANY; GTE NORTHWEST,)	
INCORPORATED; UNITED TELEPHONE COMPANY	)	FIRST SUPPLEMENTAL
OF THE NORTHWEST; WESTERN WAHAKIACUM	)	ORDER CLARIFYING
COUNTY TELEPHONE COMPANY; INLAND	)	DESIGNATIONS OF
TELEPHONE COMPANY; ST. JOHN CO-OPERATIVE	)	ELIGIBLE
TELEPHONE AND TELEGRAPH COMPANY;	)	TELECOMMUNICATIONS
WHIDBEY TELEPHONE COMPANY; U S WEST	)	CARRIERS
COMMUNICATIONS, INC.; and COWICHE)	
TELEPHONE COMPANY, INC.)	
)	
for designation as an Eligible Telecommunications)	
Carrier.)	
.....)	

BACKGROUND AND DISCUSSION

On December 28, 1998, the attorneys for the multi-exchange rural telephone companies (companies) in the above referenced dockets sought clarification of the December 23, 1997, Order of the Commission designating such carriers as eligible telecommunications carriers (ETCs) pursuant to 47 U.S.C. §214(e)(2), (5) (ETC Order). Paragraph 3(c) of the ordering paragraphs of that Order established the "service areas" of such carriers as their respective "study areas" through December 31, 1998, and thereafter as their respective individual exchanges. ETC Order at 17. Thereafter, the Commission and the companies jointly petitioned the Federal

Communications Commission (FCC) for their concurrence in that designation pursuant to 47 U.S.C. §214(2). That matter is pending. CC Docket No. 96-45, DA 98-1691.

The companies in their December 28, 1998, letter express concern that there exists an ambiguity in the ETC Order in that without FCC concurrence, it may be possible to read the Order's establishment of the "study area" as the "service area" as lapsing as of January 1, 1999. The Commission does not share that concern. The 1996 Federal Telecommunications Act, 47 U.S.C. §214(e)(5) states:

In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In other words, without Commission action to the contrary and concurrence by the FCC, federal law removes any ambiguity.

However, the Commission is willing to confirm its understanding of law by amending the December 23 Order as requested by the companies.

ORDER

IT IS THEREFORE ORDERED,

Paragraph 3(c) on page 17 of the December 23, 1997, Order in these combined dockets is amended to read as follows:

- (c) For each multi-exchange rural telephone company (Asotin, Cowiche, Ellensburg, Inland, Lewis River, Mashell, McDaniel, Pend Oreille, Pioneer, SPRINT/United, Century Tel (formerly Telephone Utilities), Tenino, Western Wahkiakum, Whidbey, and Yelm), the service area is each company's study area until such time as the FCC approves the Petition of the Washington Utilities and Transportation Commission and Twenty Rural Telecommunications

Companies, filed under CC Docket No. 96-45, DA 98-1691, or until such service area designation is changed pursuant to further order of the Commission.

DATED at Olympia, Washington, and effective this 30th day of December, 1998.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


RICHARD HEMSTAD, Commissioner


WILLIAM R. GILLIS, Commissioner

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