

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

In the Matter of the Petition of)	DOCKET NO. UT-031301
)	
)	ORDER NO. 01
Advanced TelCom, Inc., d/b/a)	
Advanced TelCom Group and)	
Shared Communications Services,)	
Inc.)	
Petitioner,)	ORDER DENYING
)	EXEMPTION FROM RULE
Seeking Exemption from the)	
Provisions of WAC 480-120-)	
083(2)(b) Relating to Notice to State)	
911 Program)	

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BACKGROUND

- 1 On August 12, 2003, Advanced TelCom, Inc., d/b/a Advanced TelCom Group and Shared Communications Services, Inc., (ATG) filed a petition requesting exemption from WAC 480-120-083(2)(b).

- 2 WAC 480-120-083(2)(b) requires telecommunications companies to provide at least 30 days advanced notice of cessation of service to the state 911 program.

- 3 ATG stated that due to an oversight, the state E911 program was not provided with the required notice.

- 4 Commission Staff reviewed the request and recommended denying ATG's request for exemption, because the Company did not show good cause for the request. It is likely that there will be several hundred customers who have not made other arrangements and will be without dial tone and 911 access when ATG ceases service.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*
- 6 (2) ATG is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 7 (3) ATG is subject to the provisions of WAC 480-120-083(2)(b), requiring telecommunications companies provide at least 30 days advanced notice of cessation of service to the state 911 program.
- 8 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on August 13, 2003.
- 10 (6) After review of the petition filed in Docket UT-031301 by ATG on August 12, 2003, and giving due consideration, the Commission finds that the petition does not demonstrate good cause, and therefore should not be granted.

ORDER

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Advanced TelCom, Inc., d/b/a Advanced TelCom Group and Shared Communications Services, Inc., is denied an exemption from WAC 480-120-083(2)(b), requiring telecommunications companies provide at least 30 days advanced notice of cessation of service to the state 911 program.
- 12 (2) The Commission retains jurisdiction over the subject matter and Advanced TelCom, Inc., d/b/a Advanced TelCom Group and Shared Communications Services, Inc., to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 13th day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner