

SERVICE DATE
MAR 17 1992

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Petition of:)	
)	
WILTEL, INC.,)	DOCKET NO. UT-910969
)	
For Classification as a)	FIRST SUPPLEMENTAL ORDER
Competitive Telecommunications)	GRANTING PETITION
Company.)	WITH CONDITIONS
)	
.)	

PROCEEDINGS: On August 26, 1991, WilTel, Inc., filed a petition seeking classification as a competitive telecommunications company. In conjunction with classification, the company sought waiver of the requirements of certain statutes and rules.

HEARING: Hearing was held on March 3, 1992, at Olympia, Washington. The hearing was held before Administrative Law Judge Alice L. Haenle of the Office of Administrative Hearings.

APPEARANCES: Petitioner was represented by Jane A. Fisher, attorney, Washington, D.C. The Commission was represented by Jeffrey Goltz, assistant attorney general, Olympia.

SETTLEMENT: At the hearing, the parties proposed a settlement of the contested issues. The settlement places some conditions on the provision of operator services and the rates to apply to those services.

SUMMARY: The Commission accepts the settlement. The petition for competitive classification is granted, subject to the conditions imposed by the settlement. The Commission grants waivers of certain requirements.

MEMORANDUM

Petitioner intends to provide both ordinary resale services and certain alternate operator services (AOS). The company registered with the Commission in August 1991 as a telecommunications company.

The Commission Staff's concerns with this petition centered around provision of AOS services. The company and the Commission Staff have presented a proposed settlement which contains conditions on the provision of operator services. The conditions are the following:

- o no location surcharge for operator services;
- o rates charged shall not exceed the prevailing operator service charges;
- o rates may not vary at the option of the customer; and
- o consequences for failing to abide by the agreed conditions.

The Commission is satisfied that the proposed conditions will provide sufficient protection for the public. The company's agreements regarding rates will prevent price gouging. The existence of consequences for failure to abide by the agreement should ensure that the Commission can monitor compliance.

The Commission accepts the settlement. The petition for competitive classification is granted, subject to the conditions contained in the settlement. The requested waivers are also granted.

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

FINDINGS OF FACT

1. Petitioner WilTel, Inc., is a wholly-owned subsidiary of Williams Telecommunications Group, Inc., which is a wholly-owned subsidiary of The Williams Companies, Inc. The Williams Companies, Inc., is a Delaware corporation. Petitioner was registered with the Commission as a telecommunications company in August 1991.

2. WilTel plans to operate as a provider of intrastate telecommunications services on a statewide basis as an interexchange carrier. WilTel will offer services as a reseller and will offer operator services.

3. Alternate providers of service include US WEST, General Telephone of the Northwest, Inc., MCI, Sprint, AT&T, and others. All services are fully available from alternative providers in the relevant market.

4. The relevant market is the state of Washington.

5. Petitioner has no captive customer base.

6. The services offered by petitioner are subject to effective competition, so long as they are offered under the conditions contained in the settlement agreement. The settlement agreement is attached to this order as Appendix A, and is incorporated herein by this reference. The conditions contained in the settlement agreement are necessary to ensure that the proposed operator services are subject to effective competition.

7. Petitioner should be permitted to provide services under a price list. The price list must comply with the provisions of the settlement agreement.

8. The petition requested waivers of certain laws and regulations relating to telecommunications services. The requested waivers are listed in Appendix B, attached to this order and incorporated herein by this reference. These waivers are in the public interest.

9. The parties waived an initial order.

CONCLUSIONS OF LAW

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

2. Petitioner should be classified as a competitive telecommunications company pursuant to RCW 81.36.320(1), subject to the conditions contained in the settlement agreement.

3. Petitioner should be permitted to provide services under a price list pursuant to RCW 81.36.320(2), subject to the conditions contained in the settlement agreement.

4. Petitioner should be granted waivers of the laws and rules listed in Appendix B.

5. An initial order may properly be omitted in this matter.

Based on these findings and conclusions, the Commission enters the following order.

ORDER

IT IS HEREBY ORDERED That the petition of WilTel, Inc., for classification as a competitive telecommunications company is granted, subject to the conditions contained in the settlement agreement; and

IT IS FURTHER ORDERED That the company is granted waivers of the laws and rules listed in Appendix B.

DATED at Olympia, Washington and effective this 16th day of March, 1992.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Sharon L. Nelson
SHARON L. NELSON, Chairman

Richard D. Casad
RICHARD D. CASAD, Commissioner

A. J. Pardini
A. J. PARDINI, Commissioner