

Subject: WECA v. Marathon Communications--UT-041244
To: hamilton@jmg-law.com
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Mr. Hamilton:

This is in response to your question about whether Marathon should immediately cease service to the former LocalDial customers that continue to be served over LocalDial's ISDN-PRI circuits.

I understand Marathon has sent mailings to former LocalDial customers instructing them to use an 800 number to access Marathon's long distance service but that about 500 of those customers have not yet switched in response to that instruction. It is not clear to me whether Marathon has sent more than one mailing. The Commission's cessation of service rule, WAC 480-120-083, at subsection (4)(d), requires two notices, with the second notice either by phone or in writing. The rule requires a call 10-30 days prior to cessation or a letter 10 days prior to cessation.

If Marathon so far has sent only one notice to customers instructing them to switch to the 800 number, Staff would support the company either calling or writing to customers once more, so long as the company does so promptly--within a week. That notice should indicate that service will cease in ten days via the old access numbers and, from Staff's perspective, need only supply instructions on how to use the 800 access number. The other notice content requirements of WAC 480-120-083 appear inapplicable in this case (however, if refunds are an issue, that information should be included in the final notice).

Thus, assuming Marathon has not already sent at least two communications instructing customers to switch to the 800 number, and so long as Marathon promptly provides a second notice, Staff would support Marathon continuing service over the PRI circuits until no later than October 22.

Please note that Staff does not speak for the Commission and we are separated from the Commissioners and the ALJ by an "ex parte" wall in this adjudicative proceeding.

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