

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

In the Matter of the Petition of)	DOCKET NO. UT-030587
)	
TIME WARNER TELECOM OF)	ORDER NO. 01
WASHINGTON, LLC AND XO)	
WASHINGTON, INC.,)	
)	
Petitioners,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-120-146)	
Relating to Changing Service)	ORDER GRANTING
Providers From One Local)	TEMPORARY
Exchange Company to Another.)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On June 2, 2003, Time Warner Telecom of Washington, LLC and XO Washington, Inc., (Time Warner and XO respectively, or the Companies) filed a petition requesting exemption from WAC 480-120-146.

- 2 WAC 480-120-146, requires telecommunications companies not discontinue service when a customer migrates from one local exchange company (LEC) to another until confirmation of activation of new service is received from the new service provider.

- 3 The Companies seek exemption from the rule in those instances where a customer migrates to another LEC, or migrates from another LEC to them, and the customer retains the same telephone number through local number portability (LNP).

- 4 Commission Staff reviewed the request and recommended granting the Companies' request for exemption, subject to the following condition: When the

customer migrates from the Companies to another LEC, they must not discontinue service until 11:59 p.m. of the next business day following the scheduled port before disconnecting the customer's service. If a customer does not retain their telephone number through LNP, then the rule would still apply. This exemption would be temporary until January 1, 2004, while a proposal to revise the rule permanently is processed in Docket UT-030964.

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) The Companies are engaged in the business of providing telecommunications services within the state of Washington and are public service companies subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 7 (3) The Companies are subject to the provisions of WAC 480-120-146, requiring telecommunications companies not discontinue service when a customer migrates from one local exchange company (LEC) to another until confirmation of activation of new service is received from the new service provider.
- 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 June 27, 2003.
- 10 (6) After review of the petition filed in Docket UT-030587 by the Companies on June 2, 2003 and giving due consideration, the Commission finds that the exemption is reasonable and should be granted temporarily until January 1, 2004.

ORDER

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Time Warner Telecom of Washington, LLC and XO Washington, Inc., are granted an exemption from WAC 480-120-146, relating to changing service providers from one local exchange company to another.
- 12 (2) This exemption is subject to the following condition: When the customer migrates from the Companies to another LEC, the Companies must not discontinue service until 11:59 p.m. of the next business day following the scheduled port before disconnecting the customer's service. If a customer does not retain their telephone number through LNP, then the rule would still apply. This exemption is temporary until January 1, 2004.
- 13 (3) The Commission retains jurisdiction over the subject matter and Time Warner Telecom of Washington, LLC and XO Washington, Inc., to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 27th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary