

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

In the Matter of the Request of	)	DOCKET NO. UT-040333
	)	
QWEST CORPORATION,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
For Less Than Statutory Notice in	)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions	)	STATUTORY NOTICE
.....	)	

**BACKGROUND**

- 1 On February 20, 2004, Qwest Corporation, (Qwest or the Company) filed with the Commission revisions to its currently effective Tariff WN U-40, designated as Fourth Revised Sheet 146.1 Canceling Third Revised Sheet 146.1, Third Revised Sheet 146.4 Canceling Second Revised Sheet 146.4, Sixth Revised Sheet 146.7 Canceling Fifth Revised Sheet 146.7, Third Revised Sheet 146.9 Canceling Second Revised Sheet 146.9, Fourth Revised Sheet 146.12 Canceling Third Revised Sheet 146.12, and Fourth Revised Sheet 147.1 Canceling Third Revised Sheet 147.1. The purpose of the filing is to correct inadvertent heading errors that directly impact rates at which customers may purchase VALUECHOICE, Two-Line VALUECHOICE, PREFERREDCHOICE, Two-Line PREFERREDCHOICE, Qwest CHOICE Home and Qwest CHOICE Two-Line Home.
  
- 2 RCW 80.36.110 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheets bear an inserted effective date of March 21, 2004. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revisions become effective February 26, 2004. The reason for less than statutory notice is to correct a scrivener's error that appeared in the recent previous revision of these sheets that directly impacts rates because columns were not labeled correctly. The Company requests less than statutory notice so

that the effective sheets can be labeled correctly as soon as possible, thereby minimizing customer confusion about the correct rates.

3 WAC 480-120-194 requires notification to customers or publication of the increase sought in this filing. Granting the Company's less than statutory notice request also requires an exemption from WAC 480-120-194. For the same reason(s) listed for seeking less than statutory notice, the Company seeks an exemption from notice requirements. The Company proposes to notify customers by posting the changes in the effective tariff library on its Internet web site.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Qwest's request with an effective date of February 26, 2004.

### 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, 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) Qwest is a telecommunications company and is a public service company subject to the jurisdiction of the Commission.

7 (3) Qwest is subject to the provisions of RCW 80.36.110 and WAC 480-80-121 requiring telecommunications companies to file changes in any rate or charge with thirty days' notice. For good cause shown, however, the

commission may allow changes without requiring thirty days' notice by order specifying the changes to be made and the time when it shall take effect. WAC 480-80-122.

- 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) Staff has reviewed the request in Docket UT-040333 and recommended the less than statutory notice request of Qwest be granted. Staff further recommended the Commission grant an exemption to WAC 480-120-194 and require the Company to notify customers by posting the correct tariff sheets in the effective tariff library on its Internet web site.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on February 25, 2004.
- 11 (7) After examination of the proposed tariff revisions filed by Qwest on February 20, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective February 26, 2004.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements.

**ORDER**

THE COMMISSION ORDERS:

- 13 (1) The request sought by Qwest Corporation for less than statutory notice is granted.
- 14 (2) After the effective date of this Order, Qwest Corporation is granted an exemption from WAC 480-120-194, Publication of proposed tariff changes to increase charges or restrict access in service. Qwest Corporation shall notice customers by posting the correct sheets in its effective tariff library on the Internet.

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

DATED at Olympia, Washington, and effective this 25th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary