

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

In the Matter of the Petition of	)	DOCKET UT-060678
	)	
ESCHELON TELECOM OF	)	ORDER 01
WASHINGTON, INC.,	)	
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	
Provisions of WAC 480-120-382	)	
Requiring Competitively Classified	)	
Telecommunications Companies to	)	
File the 2005 Annual Report no later	)	ORDER DISMISSING PETITION FOR
than May 1, 2006	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1     On April 28, 2006, Eschelon Telecom of Washington, Inc., (Eschelon) filed with the Commission a petition for an extension of time to file its annual report for 2005 as required by WAC 480-120-382. According to the company, it is unable to prepare the report due to recent acquisitions and the accompanying reorganization. The company sought an extension until May 10, 2006, however, the report was not filed within the requested period.
- 2     Commission Staff reviewed the request and recommended dismissing Eschelon’s request for exemption.

**FINDINGS AND CONCLUSIONS**

- 3     (1)    The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including competitively classified telecommunications companies. *RCW 80.01.040, Chapter 80.04 RCW and Chapter 80.36 RCW.*
- 4     (2)    Eschelon is a competitively classified telecommunications company and is a public service company subject to the jurisdiction of the Commission.

- 5 (3) Eschelon is subject to the provisions of RCW 80.04.080 and WAC 480-120-382, requiring competitively classified telecommunications companies to file an annual report no later than May 1<sup>st</sup> of each year.
- 6 (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.
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on May 17, 2006.
- 8 (6) After review of the petition filed in Docket UT-060678 by Eschelon on April 28, 2006, and giving due consideration, the Commission finds that the petition is moot and should be dismissed.

**ORDER**

THE COMMISSION ORDERS:

- 9 (1) The exemption sought by Eschelon Telecom of Washington, Inc., for an extension until May 10, 2006, to file its 2005 annual report is dismissed.
- 10 (2) Failure by Eschelon Telecom of Washington, Inc. to file its annual report by May 1, 2006, may result in the Commission invoking provisions of Chapter 80.04 RCW that provide for penalty assessments.
- 11 (3) The Commission retains jurisdiction over the subject matter and Eschelon Telecom of 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.

DATED at Olympia, Washington, and effective May 17, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary