

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-121393
)	
ELLENSBURG TELEPHONE)	ORDER 01
COMPANY d/b/a FAIRPOINT)	
COMMUNICATIONS,)	
)	
Petitioner,)	
)	
Seeking Partial Exemption from WAC)	
480-123-070 Requiring Eligible)	
Telecommunications Carriers to File)	
Annual Certifications and Reports on or)	ORDER GRANTING PARTIAL
Before July 31)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On August 24, 2012, Ellensburg Telephone Company d/b/a Fairpoint Communications (Ellensburg or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for a partial exemption from filing its annual certifications and reports for 2011 on or before July 31 as required by WAC 480-123-070. According to Ellensburg, it was unable to prepare the report due to a reorganization of company personnel. The person assigned the task of making the filing was not made aware of their new assignment and thus did not file the annual certification request in a timely manner. This matter has been rectified and should not reoccur in the future.
- 2 Commission Staff reviewed the request and recommends granting Ellensburg’s request for a partial exemption. Partial exemption is sought because Ellensburg missed the filing deadline set forth in the rule. However, Ellensburg did submit the certifications and reports as required in WAC 480-123-070 subsections (1) through (7). Ellensburg’s certifications and reports were received on August 10, 2012.

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, RCW 80.04 and RCW 80.36.

- 4 (2) Ellensburg is an eligible telecommunications carrier and a public service company subject to Commission jurisdiction.
- 5 (3) Ellensburg is subject to WAC 480-123-070, which requires eligible telecommunications carriers to file annual certifications and reports no later than July 31 of each year.
- 6 (4) Under WAC 480-07-110, the Commission may grant an exemption from or modify the application of its rules in individual cases if consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 7 (5) Strict application of the rule is a hardship on Ellensburg and its customers since the penalty for not being recertified as an eligible telecommunications carrier is that Ellensburg becomes ineligible to receive federal universal service support which is a substantial factor in its ability to provide ongoing communications service at high quality levels to its customers.
- 8 (6) This matter came before the Commission at its regularly scheduled meeting on September 13, 2012.
- 9 (7) After review of the petition in Docket UT-121393 by Ellensburg filed on August 24, 2012, and giving due consideration, the Commission finds that a partial exemption from WAC 480-123-070 is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The request by Ellensburg Telephone Company d/b/a Fairpoint Communications for a partial exemption from WAC 480-123-070 to file its 2011 annual certifications and reports on or before July 31 is granted.
- 11 (2) The Commission retains jurisdiction over the subject matter and Ellensburg Telephone Company d/b/a Fairpoint Communications 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 September 13, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary