

SERVICE DATE

JUN 07 1990

NOTE! An important notice to parties about administrative relief appears at the end of this order.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition)	
of:)	
)	
US TELECOM, INC., d/b/a)	DOCKET NO. U-900151
SPRINT SERVICES)	
)	
for Classification as a)	FIRST SUPPLEMENTAL
Competitive Telecommunications)	ORDER GRANTING PETITION
Company)	AS AMENDED
)	
.....)	

This matter came on regularly for hearing on due and proper notice to all interested parties in Olympia, Washington, on April 30, 1990. The hearing was held before Administrative Law Judge Rosemary Foster of the Office of Administrative Hearings.

The parties were represented as follows:

PETITIONER: US TELECOM, INC.,
d/b/a SPRINT SERVICES
By Fredric A. Morris
Attorney at Law
1201 Third Avenue, 40th Floor
Seattle, Washington 98101-3099

COMMISSION: WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION
By Robert E. Simpson
Assistant Attorney General
1300 Evergreen Park Drive Southwest
Olympia, Washington 98504

By petition filed on February 13, 1990, US Telecom, Inc., d/b/a Sprint Services (hereafter referred to as "Sprint Services" or "petitioner") seeks classification as a competitive telecommunications company pursuant to RCW 80.36.320. Petitioner provides "900" information telecommunications services through which information providers make available to end-users information via a 1-900-xxx-xxxx telephone number. In conjunction with classification, the company sought waiver of the requirements of chapter 80.12 RCW (transfers of property), chapter 80.16 RCW (affiliated interests), except for RCW

80.08.140, various provisions of 80.36 RCW (telecommunications) and portions of chapters 480-146, 480-143, 480-80 and 480-120 WAC.

At the hearing, Michael Nelson, director-regulatory affairs, US Telecom, d/b/a Sprint Services, presented testimony concerning the company's services.

Commission staff indicated that it had no objection to classification of this company as a competitive telecommunications company.

Based upon the entire record and file in this matter, the undersigned Administrative Law Judge makes the following initial findings of fact and conclusions of law.

FINDINGS OF FACT

1. Petitioner U. S. Telecom d/b/a Sprint Services provides "900" information services using the network of US Sprint Communications Company Limited Partnership. Petitioner is a wholly owned subsidiary of United Telecommunications, Inc. 900 services are telecommunications services offered by information providers who make available information to end-users. The end-user is charged for the call according to a fee established by the information provider. Two 900 service options are available: Network 900 for provision of voice information only, and Data 900 for provision of data information only. Sprint Services 900 services are offered on a nationwide basis. In Washington, intrastate 900 service, which is an "add-on" to Sprint Services interstate 900 service, allows an information provider to be reached by end users calling from any point within the state.

2. Alternative providers of service include AT&T Communications, Inc., MCI and Telesphere. All services are fully available from alternative providers in the relevant market.

3. The relevant market is the state of Washington.

4. Petitioner currently has two Network 900 customers and no Data 900 customers in the state of Washington. Petitioner has and expects to continue to have less than 40 per cent of market share.

5. Petitioner has no captive customer base.

6. The services offered by petitioner are subject to effective competition.

7. Petitioner should be permitted to provide services under a price list.

8. Petitioner requested waivers of certain laws and rules relating to telecommunications services. Waiver as requested of these laws and rules is in the public interest except for waiver of WAC 480-120-033. The petition further requests waiver of WAC 480-120-031-036. In accordance with waivers granted to competitively classified telecommunications companies in prior Commission orders, WAC 480-120-031 and 480-120-036 will be waived. However, there remain questions concerning waiver of the remaining two provisions, WAC 480-120-032 Accounting - Political information and political education activities and WAC 480-120-033 Accounting and reporting requirements for competitive telecommunications companies. WAC 480-120-032 will be recommended for waiver as it is related to the uniform system of accounting requirements waived in WAC 480-120-031. However, WAC 480-120-033 will not be waived as it specifically relates to competitive telecommunications companies. The laws and rules for which waivers should be granted are listed on Appendix A, attached to this order and by this reference made a part of this order.

9. At the hearing, petitioner requested and was granted leave to amend the petition to give ten days notice prior to a rate change rather than seven days notice as originally stated in the petition. Petitioner further requested and was granted leave to amend the petition to seek waiver of WAC 480-80-110, a rule requiring the company to maintain tariffs.

CONCLUSIONS OF LAW

1. The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this petition and the parties thereto.

2. Petitioner should be classified as a competitive telecommunications company pursuant to RCW 80.36.330(1).

3. Petitioner shall be permitted to provide services under a price list pursuant to RCW 80.36.330(2), the format of which shall be approved by the Commission.

4. All of the waivers requested by the petitioner shall be authorized as set forth in Appendix A. There shall be no waiver of WAC 480-120-033, the Commission's rule relating to accounting and reporting requirements for competitive telecommunications companies.

Based upon the above findings of fact and conclusions of law, the undersigned Administrative Law Judge hereby enters the following initial order.

O R D E R

WHEREFORE, IT IS HEREBY ORDERED, That the petition of US Telecom d/b/a Sprint Services for classification as a competitive telecommunications company shall be granted as amended, as follows:

1. Petitioner shall be classified as a telecommunications company;

2. Waivers of the laws and rules listed in Appendix A shall be granted;

3. Petitioner shall be authorized to offer services under a price list, the format of which shall be approved by the Commission.

DATED at Olympia, Washington, and effective this 8th day of June, 1990.

OFFICE OF ADMINISTRATIVE HEARINGS


ROSEMARY FOSTER
Administrative Law Judge

NOTICE TO PARTIES:

This is an initial order only. The action proposed in this order is not effective until a final order of the Utilities and Transportation Commission is entered. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within a time limit as outlined below.

Any party to this proceeding has twenty (20) days after the service date of this initial order to file a Petition for Administrative Review, under WAC 480-09-780(2). Requirements of a Petition are contained in WAC 480-09-780(4). As provided in WAC 480-09-780(5), any party may file an Answer to a Petition for Administrative Review within ten (10) days after service of the Petition. A Petition for Reopening may be filed by any party after the close of the record and before entry of a final order, under WAC 480-09-820(2). One copy of any Petition or Answer must be served on each party of record and each party's attorney or other authorized representative, with proof of service as required by WAC 480-09-120(2).

In accordance with WAC 480-09-100, all documents to be filed must be addressed to: Office of the Secretary, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, Washington, 98504-8002. After reviewing the Petitions for Administrative Review, Answers, briefs, and oral arguments, if any, the Commission will by final order affirm, reverse, or modify this initial order.

APPENDIX A

RCW Chapter 80.12, Transfers of Property;
RCW Chapter 80.16, Affiliated Interests;
RCW Chapter 80.08, Securities (except RCW 80.08.140);
RCW 80.36.100, Tariffs;
RCW 80.36.110, Tariff changes;
RCW 80.36.150, Contracts;
WAC 480-146 (rules relating to securities and
affiliated interests);
WAC 480-143 (rules relating to transfers of
property);
WAC 480-80-040, 480-80-060, 480-80-070, 480-80-080,
480-80-090, 480-80-110, 480-80-120, 480-80-125,
480-80-130, 480-80-240, 480-80-250, 480-80-280,
480-80-300, 480-80-320, 480-80-330, 480-80-340,
480-80-370 (rules relating to tariffs);
WAC 480-120-031, 480-120-032, 480-120-036, 480-120-046, 480-
120-066, 480-120-131 (general telephone rules)
No waiver of WAC 480-120-033 is authorized.