

**WAC 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive.**

(1) Initiation of classification proceedings. A telecommunications company requesting competitive classification must file a petition with the commission. The petition must state the effective date of the requested classification, which must be at least thirty days after the filing date. The commission may initiate a competitive classification proceeding on its own motion by order instituting investigation.

(2) Intervention. Any person desiring to participate in a competitive classification proceeding may petition to intervene as provided in WAC 480-07-355.

(3) Additional parties. In any competitive classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine the proper classification of the affected companies.

(4) Burden of proof. In any competitive classification proceeding, the telecommunications company has the burden of demonstrating that the company or specific service(s) is subject to effective competition.

(5) Effective competition. Effective competition means that customers of the service(s) have reasonably available alternatives and that the company does not have a significant captive customer base for the service(s). The commission will consider the factors outlined in RCW 80.36.320 (1)(a) through (d) when determining whether a company is competitive.

(6) The competitive classification becomes effective on the stated effective date unless the commission suspends the proposed classification. If the commission suspends a proposed classification, it will enter a final order within six months from the date the petition was filed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-121-061, filed 11/24/03, effective 1/1/04; WSR 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-061, filed 5/14/02, effective 6/17/02; WSR 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-061, filed 4/4/01, effective 5/5/01.]