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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 15th day of March, 2004.

CASE NO. 04-0312-T-GI

Institution of General Investigation to consider whether to establish standards for determining when a service is subject to competition, which will include but not be limited to, whether to establish a ten percent (10%) wire center standard when determining whether local business or residential service in a particular wire center is subject to competition.

COMMISSION ORDER

On March 4, 2004, the Commission opened this case to consider establishing a standard to determine when services become subject to competition, pursuant to W. Va. Code § 11-13B-2(b)(5). In that order, the Commission stated that all telecommunications carriers would have notice and could choose whether to participate in the new case. Concl. of Law No. 8, Comm'n Order p. 14.

To provide that notice, the Commission will serve a copy of the March 4, 2004, order upon all local exchange carriers and interexchange carriers subject to the telecommunications tax pursuant to W. Va. Code § 11-13B-2(b)(5). These are the same telecommunications carriers that the Commission serves each year with the order which institutes the annual proceeding to certify telecommunication services that are subject to competition.

On March 4, 2004, the order instituting this subject to competition standard case was served upon the parties that participated in the annual proceeding for the 2003 tax year, which included the Commission's Consumer Advocate Division. See Case No. 03- 1359-T-GI. That order was also served upon the state Tax and Revenue Department. Thus, those entities have received notice. The CAD has already petitioned to intervene.

ORDER

IT IS THEREFORE ORDERED that, along with a copy of today's order, all local exchange carriers and interexchange carriers subject to the telecommunications tax pursuant to W. Va. Code § 11-13B-2 (b)(5) shall be served by First Class United States Mail with a copy of the Commission's March 4, 2004, order in this case. Commission Staff shall be served by hand delivery.

CLW/sek
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