

May 25, 2000

Carole J. Washburn
Executive Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S. W.
Olympia, Washington 98504-7250

Re: Docket Nos. UT-991922, UT-991301 and UT-990146
Attention: Sondra Walsh and Tim Zawislak

Dear Ms. Washburn:

Enclosed are an original and ten copies of U S WEST's comments in the above referenced dockets. A 3.5 diskette is enclosed and these comments were also filed electronically.

INTRODUCTION

U S WEST appreciates the opportunity to provide additional comment on the proposed WAC 480-120-X11, -X12, -X09 and -X19 rule changes discussed at the April 11, 2000 workshop. The attached comments address the issues raised at the workshop and also reflect additional U S WEST concerns with the proposed rules. U S WEST will continue to submit comments as the need arises and is available to respond to any question that may arise as a result of the following comments.

If you have questions regarding these comments, please contact Mark Reynolds on (206) 345-1568 or Sue Henson on (206) 345-4341.

Sincerely,

Attachments (1)

480-120-X11 "Access Charges" (currently 480-80-047)

U S WEST concurs that reports as prescribed in the 18th and 19th Supplemental Orders in Cause No. U-85-23 et al., are no longer appropriate and supports the removal of this reporting requirement. However, U S WEST objects to the off-handed introduction of a new reporting requirement for Class A companies. Just as U-85-23 established the Commission's need for, and requirements of, existing reporting requirements, any new requirement must also be grounded in need and provide sufficient detail to enable the company to fulfill the obligation. Before a new reporting requirement is made rule, the Commission must first demonstrate a need. Staff's proposal isn't streamlining language, but is actually introducing a new requirement to perpetuate a no longer needed report. The Commission must first establish the need for a new rule, before a rule is built. Next, the filing requirements, such as the appropriate access rate/cost elements and the format of the filing, must be defined. The proposed language broadly states "data sufficient for Commission Staff". This presents an unnecessarily broad and ambiguous requirement. It establishes a requirement that lacks definition. If the need for a report is based on the determination that terminating access is a bottleneck service, then the report should apply to all companies, not limited to Class A. This would be consistent with WAC 480-120-540, the Terminating Access Charge Rule, which applies to all LECs. If the use of the report is in the context of universal service, guidelines must first be established to ensure consistent reporting. Once again, however, the rule should apply to all companies to be of any use for USF purposes.

480-120-540 "Terminating Access Charges"

As to the section being moved as currently written, U S WEST has no comment.

480-120-X12 "Washington Exchange Carriers Association" (currently 480-80-048)

U S WEST recommends that action on this rule be delayed until resolution of issues in Docket UT-971140, WECA's Revised Access Plan. Pursuant to the Commission's May 15, 2000, *Notice of Opportunity to Submit Written Comments*, U S WEST will submit detailed comments on June 7, 2000.

480-120-X09 "Commission Ordered Refunds" (currently 480-120-025(3))

For the reasons discussed below in reference to 480-120-X19, "Imputation"- as proposed by Nextlink, U S WEST strongly objects to the inclusion of Nextlink's "Imputation" language into the refund rule. It is inappropriate for the reasons detailed in the next section.

480-120-X19 "Imputation" (convert precedent to rule proposed by Nextlink)

U S WEST strongly objects to including Nextlink's "Imputation" language into a new rule as part of the rule review process. The proposed rule far exceeds the scope of this rulemaking proceeding, which was designed to revise existing rules against a set of criteria established by Governor's Executive Order 97-02: The issues introduced by the proposed Imputation rule implicate major policy questions relating pricing, competitive parity and universal service. - Prior to designating rate elements as imputed price floors for related services, two steps need to be taken: an investigation and a determination. -The Commission must first establish that the service elements are truly bottleneck facilities for which providers have no other alternatives. This is not the case with UNE elements and exchange services that are referenced in Nextlink's proposal. Competitors clearly do have alternatives to loops through fiber networks and wireless alternatives. Additionally, most competitive providers have their own switching and transport equipment. Finally, any and all of —U S WEST's retail telecommunications services are available for resale at a discount from the retail price and thus no risk of price squeeze exists. Consequently, Nextlink's advocacy that UNE prices should serve as a price floor is totally without support and should be dismissed by the Commission.

May 25, 2000 Comments of U S WEST Communications Inc.
Re: Docket Nos. UT-991922, UT-991301 and UT-990146