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February 14, 2001

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
Technical Rules

Attention: Bob Shirley

Dear Ms. Washburn:

Enclosed are Qwest's comments in the above referenced dockets. These comments were also filed electronically.

Qwest appreciates the opportunity to provide additional comment on the proposed technical rule modifications in WAC 480-120-046, 051, 076, 091, 096, 136, 131, 151, 152, 153, 340, 350, 500, 505, 510, 515, 520, 525, 530 and 535 and the proposed new technical rules WAC 480-120-999, X05, X05.5, X06, X08, X16 and X17 discussed at the April 11, and May 15, 2000 workshops. The attached comments address the issues raised at the workshop and also reflect additional Qwest concerns with the proposed rules. Qwest will continue to submit comments as the need arises and is available to respond to any questions that may arise as a result of the following comments.

If you have questions regarding these comments, I can be reached at 206-345-4726 or you may also contact Holly Dean at 360-754-3241.

Sincerely,

Attachments (1)

TECHNICAL RULES

WAC 480-120-046, 051, 126, 131, 340, 350, 500, 505, 510, 515, 520, 525, 535, 999, X05, X05.5, X20, X06, X08, and X16

480-120-046 Service offered.

At the previous workshop there was a discussion of the need for clarity with respect to what the Commission intended when requiring a "comprehensive description of classes and types of service available to customers". It is still unclear what the Commission's expectation is and therefore it is difficult for telecommunications providers to comply with WAC 480-120-046 (1). A sample tariff consistent with the Commission's intent should be distributed at the upcoming workshop.

It is also unclear what the Commission's intent is with the following statement in 480-120-046 (1):

"Companies must record for each customer whether service is:"

Is the Commission suggesting each service needs to be defined as a residential, business or general service or is the Commission suggesting that each customer's service record should be designated as residence or business?

The latest draft is clear that the Commission will only allow telecommunications providers to offer one-party service in 480-120-046 (3) Grades of service. Does the Commission expect that any remaining party line customers be converted to one party service by a date certain or only that new customers be one-party service customers?

480-120-051 Application for and installation of service.

480-120-051 (1) should be modified to "Application for basic local exchange service within a telecommunication providers serving area." The requirements that follow should not apply to all services and should only apply where the Company holds itself out to offer service. Some tariffs or price lists only obligate the company to provide service where terms and conditions permit, such as private line service, DSL service, etc. This rule was never intended to apply to all services, particularly services that are not widely deployed and available. Nor was the rule applicable to orders outside a company's service area. As currently drafted, sections (1) and (2) do not qualify the proposed requirements to basic local exchange service. Nor do sections (1) and (2) qualify the requirements for orders of up to five lines. The application of this section must be further qualified.

480-120-051 (1)(b) should be modified to place responsibility on the applicant to define the service for which application is being made. This is not intended to suggest a business customer can order residential service for business purposes. Perhaps the intent of the proposed language is that the "form" should clearly state the service for which application is being made.

480-120-051 (2)(a) should be modified from "Inform an applicant the specific date …" to "Inform an applicant of the specific date …". 480-120-051 (2)(a)(i),(ii) and(iii) should be a unique section that deals with those circumstances where the company has quoted a specific date when service has been ordered and the company has subsequently discovered it cannot meet a previously agreed upon date. Qwest respectfully suggests 480-120-051 (2) be modified as follows:

(2) At the time of application, a company must:
  (a) Inform an applicant of the specific date when service will be provided;
  (b) Accept and process applications when received when the applicant has satisfied all applicable tariff or price list requirements;
  (c) If the company cannot provide the applicant with a specific installation date at the time of application, due to a lack of company facilities, a work stoppage, or other company reasons, the company must state the reason for delay and advise the customer within five business days of application when it should be able to provide service;
  (d) Each company must maintain a record in writing or electronic format, of each application for basic local exchange service, including requests for change of basic local service, until each order is completed.

The reference in 480-120-051 (2)(b) to WAC 480-80-061 should be corrected to WAC 480-120-061. 480-120-051 (2)(b) should also be modified to recognize delays such as those associated with line extension applications. A reference to compliance with applicable tariff conditions in addition to WAC 480-120-061 would be most appropriate.

Additionally, proposed 480-120-051 (2)(a)(iii) contradicts 480-120-051 (3)(b). 480-120-051 (3)(b) is a more appropriate and reasonable approach. The Company cannot provide a specific "revised date" when service can be provided "at the time of application" when the company is aware that it does not have available facilities to meet a customer's request for service or when the company is unable to provide a specific date such as during work stoppages, natural disasters or civil unrest. The date when service can be provided under these circumstances is dependent upon other business entities as well as the time of year the order is placed. Considerations applicable to the revised date include applicable county or city building (new construction) restrictions, the permit process and associated timeframes, or other complications beyond the company's direct control. 480-120-051 (2)(a)(iii) should be eliminated or revised as proposed.

A new section should address the circumstances associated with orders that are held due to a lack of company facilities or other delays. For example, the requirement to notify a customer prior to the committed date is not always possible since in some cases the installer may not know the due date cannot be met until he or she is actually at the applicant's premise. This is largely caused when the assigned facilities are defective and the company is not aware of this until they actually test them during the act of provisioning the applicant's service. Typically these types of orders can be completed within two weeks if not sooner. The commission staff has typically been most supportive of this situation and has not traditionally viewed this circumstance as a "missed commitment" since the installer has actually been at the applicant's premise on the committed date. The proposed rule language is too stringent in that it fails to recognize instances where information may not be available prior to the committed date. Qwest respectfully suggests the rule be modified as follows:

> "The Company must notify the applicant for service before the committed date that it cannot provide service on the scheduled date and shall state the reason for such delay. The Company must advise the customer within five business days of such notice when it should be able to provide service. When the company discovers service cannot be provided on the original date committed while attempting to install the service, a revised date when service is likely to be available shall be provided to the customer. The company must provide a status to the customer at least every thirty days until the order is completed"

480-120-051 (3)(a) and (b) could then be eliminated.

480-120-051 (4) should be clarified. It is not clear what is intended by "within a four-hour period of the on-premise." Qwest agrees with Verizon that this provision is unnecessary and should be left to the discretion of company management and the competitive market. Telecommunications providers will compete through business practices and service quality or they will not survive a competitive marketplace.

480-120-051 (5) inappropriately assumes a company will transfer service from itself to another provider at the request of a customer. The customer will need to order service from the new provider and authorize that provider to disconnect their existing service on their behalf in accordance with WAC 480-120-139 or the customer will need to place their own disconnect order. It is inappropriate to require the disconnecting company to continue service to their prior customer until the new provider is ready to serve. Nor is it appropriate for the company losing the customer to bear the burden of insuring the ex-customer has the new carrier's service before they can terminate service. This process is currently addressed and included in Qwest interconnection agreements. Typically carriers are offered different options with regard to how and when cut overs are performed, depending upon the type of customer, whether numbers are being ported and other variables. This rule should be stricken and this arrangement should be addressed in the context of carrier to carrier service agreements.

480-120-051 (6): The requirement to complete orders within five business days in 480-120-051(6)(a) should remain at the current standard of 90%. Qwest processed 3,240,634 orders in 2000, 508,798 of which were for installation of up to five access lines. The Commission staff concludes that most companies currently exceed the 95% proposed standard however most companies do not process over one three million orders each year. The 90% standard is appropriate and should not be modified. (6)(a)(ii) should be qualified to where facilities exist.

480-120-051 (6)(b) and 480-120-051 (6)(c) should remain applicable to only primary lines and should also be limited to the first local exchange line only. Particularly in light of the prevailing success of wireless services. A requirement to install five lines to every premise may result in stranded investment ultimately borne by customers who do not have competitive choice or who cannot afford wireless service. It is unclear why the commission staff advocates five lines in a market that is rapidly evolving to wireless technology. Qwest respectfully requests further discussion on this standard at the February 22nd workshop. In addition, (6)(a) and (6)(b) should be specific to exchange, not central office, consistent with current rules.

480-120-051(6)(c) should also be qualified to those lines that can be completed within one hundred eighty days and are not delayed due to circumstances beyond the company's control such as right of way restrictions, permit delays, construction delays due to governmental restrictions, etc. In other words, the companies should only be obligated to fulfill orders held strictly due to company reasons. The Commission should also include language that limits such a requirement to orders with a cost of less than $3,000. Fulfillment of high cost orders should not be required absent a universal service funding mechanism.

480-120-051(7) should also exclude periods of force majeure, civil unrest and work stoppage, orders held due to customer reasons, orders that require payment of line extension charges, and orders for service in unassigned territory. 480-120-051(7) should also be subject to the applicant's compliance with tariff/price list requirements.

480-120-051(8) should be stricken. The rule as currently drafted assesses a penalty if the ILEC fails to provide the facility to the CLEC within the agreed upon time. It does not identify which "agreed upon time" it is referencing – the commitment between carriers or between the CLEC and its customer. It also fails to qualify this requirement to where ILEC facilities exist. Furthermore, as currently drafted, the commission staff has placed the sole burden on the ILEC and fails to address the requirements of the CLEC with respect to its obligation to appropriately forecast demand, follow order procedures, request a reasonable interval, etc. The proposal also fails to recognize the ILEC's right to due process prior to assessment of a penalty provision. This provision should be addressed in carrier to carrier agreements and is addressed currently in Qwest's SGAT and Qwest's performance assurance plan, which is being reviewed by the Regional

Oversite Committee and state Commissions. The performance assurance plan places one third of Qwest's net revenues at risk and is being put in place to ensure continued compliance with 271 obligations. The performance assurance plan contains a monitoring and enforcement mechanism as well as self-executing remedies.

480-120-126 Safety.

As previously stated, this rule should be deleted from this chapter, as the requirements of this rule are currently governed by the Department of Labor and Industries. Under the Governor's order, one set of rules is the standard and is sufficient to address the issues raised. Qwest agrees this rule is important but it already exists in much greater detail than that proposed here.

480-120-131 Reports of accidents.

This rule should be deleted from this chapter, as the requirements of this rule are currently governed by the Department of Labor and Industries. Under the Governor's order, one set of rules is the standard and is sufficient to address the issues raised. Qwest appreciates the proposed revisions but does not understand what the Commission needs such information for and how it is currently utilized by the Commission. A discussion at the February 22nd workshop may clarify the Commission's need for this information. Should the staff continue to advocate inclusion of this WAC, the information should be designated confidential to protect the privacy of the individuals involved.

480-120-340 Enhanced 911 (E911) Obligations of local exchange companies

As previously stated this rule is already covered under RCW 80.36.555 and 80.36.560 and therefor unnecessary. However, should staff continue to advocate for its retention, it should be modified to include all of the requirements specified under RCW 80.36.555 and 80.36.560. For example, (a) ought to include location information.

480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base--When permitted.

As previously stated, 480-120-350 continues to contain requirements applicable to public safety answering points (PSAPs). Local exchange companies cannot enforce commission requirements for functions they are not technically or functionally involved with or that they don't directly manage. The local exchange companies no longer manage the E911 database and therefore cannot comply with the proposed requirements contained in this rule. Only PSAPs are required to keep a record of reverse searches. As previously stated, it is not possible for the local exchange company to create a record at the time of a reverse search when the search does not necessarily involve the local exchange company. Therefore the entire rule should be eliminated since no company can comply with its requirements and because the commission does not regulate PSAPs or the E911 database

administration. Qwest appreciates the Commission staff commitment to review this section with the E911 state administrator.

480-120-500 Telecommunications service quality--General requirements.

WAC 480-120-500(1): The staff proposal to add "availability of comparable services" to WAC 480-120-500(1) continues to be troublesome. This addition should be eliminated or at a minimum revised to state "availability of comparable basic services as defined in RCW 80.36.600". Comparable service, as used in the Telecommunications Act of 1996, is undefined and ambiguous.

The Commission staff's response to the comments of Sprint appear to suggest that the staff believes it should be a regulatory requirement that all customers have access to all services. Such an approach would also suggest that competitive local exchange companies must provide service to all customers on a statewide basis as well. Neither approach has ever been the practice or policy of the state or this Commission. The Commission should not obligate companies to deploy all services to all customers, particularly if there is not a demand for such services on a statewide basis or the service cannot be offered efficiently and economically. A requirement of that nature would act to discourage deployment of new services and stymie economic development. "Availability of comparable services" should not be added to this rule section until it is clear what the Telecommunications Act intended. To add this language now, without further definition, will suggest to consumers that all telecommunications companies are obligated to deploy discretionary services on a statewide basis to all customers. This would be inappropriate and bad policy.

Qwest appreciates staff's reconsideration and modification to WAC 480-120-500 (2).

Qwest concurs with Verizon's comments concerning the need for retention of WAC 480-120-500 (3).

Qwest also requests that WAC 480-120-500 be amended to identify that no service quality requirement contained in WAC 480-500, 505, 510, 515, 520, 525, 535, 999, X05, X05.5, X06, X08, X16 and X20 establishes a level of performance to be achieved during periods of emergency, disaster or catastrophe, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, holidays, civil unrest, force majeure, or disruptions of service caused by persons or entities other than the local exchange company. In addition, it should be clarified that companies are not obligated to meet service standards when efforts to install or repair service are delayed due to circumstances over which the company has no control, such as permit delays, county restrictions, etc. until such barriers are removed.

480-120-510 Business offices

WAC 480-120-510 (2)(a) should be modified to sixty seconds.

WAC 480-120-510 (2)(b) is unclear. It should be modified as follows:

> It will route calls received during business hours and completed with an automated answering system to a live representative within sixty seconds, *once answered by an automated call answering system,* when customers indicate they wish to speak to a live representative.

WAC 480-120-510 (2)(b) should be qualified to a percentage of calls within sixty seconds. While Qwest does not disagree with such standards as appropriate goals, the reality is that Qwest has such a high personnel turnover in these positions it would have to file an indefinite waiver request until it could fill all of its open positions with qualified employees.

WAC 480-120-510 (5)(d) will significantly limit the number of payment agency locations available to consumers. Many businesses, operating as payment agencies, are not willing to provide this service for free. The fees currently charged are generally $1.00 verses postage the customer would have paid ($0.34). If telecommunications companies have to pay additional fees to agents or open their own payment locations the added expense will result in fewer agencies available to ratepayers.

WAC 480-120-510 (6) appears to include an inaccurate reference to section (3). It should be modified from (3) to (4).

WAC 480-120-510 (8) appears to include an inaccurate reference to section (6). It should be modified from (6) to (7).

WAC 480-120-510 (7) and (8)assume the company chooses to close an agency, the reality is in most cases the agent chooses to terminate the business arrangement.

480-120-515 Network performance standards

Qwest appreciates the proposed revisions that are consistent with the standards set forth by the American National Standards Institute ("ANSI"). Only one standard is not fully consistent with the ANSI standard - WAC 480-120-515 (4)(a)(ii). Qwest respectfully submits WAC 480-120-515 (4)(a)(ii) be modified to include the ANSI acceptable standard of 30 dBrnC. WAC 480-120-515 (4)(a)(ii) should be modified as follows:

> (ii) For voice grade service, the circuit noise objective on customer loops measured at the customer network interface must be equal to or less than 30.0 dBrnC. Less than or equal to 20.0 dBrnC is recommended. Digitized loops using

> customer loop carrier systems and having noise levels up to 30 dBrnC are acceptable.

Long, rural metallic routes typically functions at less than 23 dBrnC and would be costly to upgrade to a less than or equal to standard of 20.0 dBrnC.

480-120-520 Major outages

Qwest suggests deleting this rule entirely. The notification requirements of this rule are unnecessary since the FCC has established procedures in place to accommodate this need. Under 47 C.F.R. section 63.100, all companies must report to the FCC duty officer via fax within 120 minutes of a major outage that effects 50,000 customers for thirty minutes or more.

Should the Commission feel a need to retain its own rules, QWEST respectfully requests such rules mirror the FCC requirement of reporting the outage within 120 minutes when the outage effects at least 50,000 customers for thirty minutes or more.

WAC 480-120-520 (2)(b) should be combined with (2)(a), as the current rule requires. The current rule does not require all major outages be restored within twelve hours. A major outage typically requires extensive work and a twelve hour turnaround is unreasonable for restoration of all customer service affected by a major outage. The current rule applies the twelve hour interval to the circumstances addressed in (2)(a). (2)(b) should be eliminated.

QWEST continues to request clarification on the proposed language in WAC 480-120-520 (2)(c)(ii) concerning “near and far end network switches”.

480-120-525 Network Maintenance.

WAC 480-120-525(2)(c) should be modified to exempt end offices from this requirement. As proposed by staff, subsection (2)(c) would essentially mandate complete redundancy of the network. Companies will design, construct, maintain and operate facilities to ensure reasonable continuity of service and uniformity in the quality of service. Should the Commission continue to pursue this proposal, an SBEIS must be prepared. A requirement for route and circuit diversity for all offices would create a significant expense not currently embedded in rates. The current rule recognizes that diverse facilities should be deployed where economically and technically feasible; this qualification should be retained.

In the “Summary of Comments” document, staff appeared to agree with Verizon’s proposed language. Qwest can support the proposed Verizon modification.

WAC 480-120-525 (4)(a) should retain the current requirement which is measured on an exchange basis not a per central office basis. WAC 480-120-525 (4)(b) should be modified

to include exceptions for trouble caused by unavoidable catastrophes, force majeure, civil unrest and work stoppage,

Proposed WAC 480-120-525(5)(a) should be modified to reflect the current requirement in WAC 480-120-525(1) to answer eighty percent of repair calls received within thirty seconds.

480-120-535 Service quality performance reports.

WAC 480-120-535 (3) should limit reporting to orders for up to five lines. Qwest cannot report the number of "lines" per unfilled order without manually reviewing each order. Such a manual process would create a major expense since Qwest currently receives over 500,000 orders for new or transferred access lines annually.

WAC 480-120-535 (4) should be modified to reflect five business days or seven business days for competitive companies.

WAC 480-120-535 (5)(c) should be qualified to require such information when it is available. This degree of information is not always known until after the trouble is cleared.

480-120-535 (6)(a)(i) should be modified to report the number of trouble reports as opposed to the number of access lines with reported trouble. Qwest systems track reports which include multiple calls from the same access line. Qwest does not have an existing report that tracks trouble by access line. Qwest currently includes the number of access lines served by each central office.

480-120-535 (7) should be modified to a require reporting only of those switches that do not meet the requirements of WAC 480-120-515, similar to WAC 480-120-535(8).

WAC 480-120-999 Adoption by reference

This section is unnecessary and will be outdated when standards change. Qwest would like staff to address at the workshop why it believes this section is necessary.

WAC 480-120-X08 Service Quality Guarantees

WAC 480-120-X08 (1)(b) should be modified to apply to orders delayed beyond five business days of the original due date where the reason for delay is caused by the Company.

WAC 480-120-X08 (1)(b)(iv) should be eliminated. WAC 480-120-X08(1)(b)(i) satisfies this need in that a customer can easily obtain wireless service for less than $100 a month.

WAC 480-120-X08 (1)(c) should be qualified to five business days.

WAC 480-120-X08 (3)(b) should be modified to specifically include work stoppages and civil unrest.

WAC 480-120-X08 (4) should be eliminated. The rule as currently drafted assesses a penalty if the ILEC fails to provide the facility to the CLEC within the agreed upon time. It does not identify which "agreed upon time" it is referencing – the commitment between carriers or between the CLEC and its customer. Furthermore, as currently drafted, the commission staff has placed the sole burden on the ILEC and fails to address the requirements of the CLEC with respect to its obligation to appropriately forecast demand, follow order procedures, request a reasonable interval, etc. The proposal also fails to recognize the ILEC's right to due process prior to assessment of a penalty provision. This provision should be addressed in carrier to carrier agreements and is addressed currently in Qwest's SGAT and Qwest's performance assurance plan, which is being reviewed by the Regional Oversite Committee and state Commissions. The performance assurance plan places one third of Qwest's net revenues at risk and is being put in place to ensure continued compliance with 271 obligations. The performance assurance plan contains a monitoring and enforcement mechanism as well as self-executing remedies.

WAC 480-120-X11 Access charge and universal service reporting

Qwest opposes the adoption of WAC 480-120-X11 as currently drafted. The proposed rule assumes the current switched access rates are based on well defined USF costs. This is not the case. Qwest previously approached the Commission staff and asked for an explanation as to how the Qwest USF requirement was calculated. To date, no response has been furnished. Qwest cannot reconcile the total amount of USF support permitted by the Commission staff, with the Commission's cost determinations in Docket No. UT-980311. Staff has not been able to do so either. This must be reconciled before Qwest can comply with WAC 480-120-X11.

It is also important that cost support requirements be updated annually if the Commission chooses to proceed with the proposed rule. The proposed rule requires an update of access minutes at section (2)(a) and suggest that cost support required can be updated at section (2)(d) but fails to define the criteria under which such costs are updated. USF cost support requirements must be defined and should be based on access lines served and cost. As with switched access minutes, access lines served and cost to serve may continually change. It is inappropriate to only address the criteria associated with half of the equation. When the Commission originally determined company specific USF requirements it utilized 1997 cost support. Clearly such support should be updated to reflect competitive activity, growth, cost changes and many other considerations. Qwest respectfully suggests section (2)(d) be expanded to define how the total cost of support

shall be determined by the Commission, consistent with the approach taken in Docket No. UT-980311. A consistent approach should occur on a going forward basis.

It is also unclear why the Commission staff would impose different requirements based on the class of telecommunications company in section one. All providers should be required to comply with this rule in order to ensure competitive parity in switched access rates charged. WAC 480-120-540 currently applies to all companies.

It is also unclear why the staff imposes different requirements in WAC 480-120-X11 (2)(a)(ii). All companies should provide historical and projected demand. The basis of carrier switched access rates should be consistent across all carriers and rates should be based on the same criteria. It is actually more predictable to forecast demand in areas where there is little competition, such as areas served by "historical embedded cost study companies", than areas served by companies experiencing tremendous competition.

The requirement to base costs on forward looking cost studies for some companies also suggests that ratepayers served by such companies will subsidize low cost areas without the aid of carrier subsidies typically obtained through switched access charges. However, all other companies, including new providers, can impose subsidies as part of their switched access rates. This is clearly an imbalance and imposes higher rates on customers served by traditional ILECs. Qwest suggests the Commission needs to seriously consider this policy shift. It is also unclear how staff defines "forward-looking cost study companies" and "historical embedded cost study companies" in section (2)(a)(ii). No definition is offered. A reference is offered in (2)(a)(ii)(A) to (2)(d)(I), however (2)(d)(i) does not exist.

WAC 480-120-X11(2)(b) needs to be clarified to address which local interconnection service rate staff is requesting. Qwest suggests the language be modified as follows:

> "The lowest current rate offered for comparable local interconnection service, such as end office switching or tandem switching."

This modification would be consistent with WAC 480-120-540.

WAC 480-120-X11(2)(c) needs to define what is meant by "on a commission basis". It also should include reasonable contribution to common and overhead costs for consistency with WAC 480-120-540.

As previously stated, criteria needs to be defined for WAC 480-120-X11 (2)(d). Until the Commission staff can explain how it calculated the original amounts applicable to (2)(d) and specify a consistent approach for all companies in calculation of "total unseparated cost of support for universal access to basic service" or cost of basic exchange local service this rule should not be adopted.

WAC 480-120-X11 (2)(e)(ix) and (2)(f) need to be expanded. The terms are far too general therefore making it unclear as to what the Commission staff is requesting. (2)(f) also requires a finding of the cost of service before a company can calculate the "total level of state support received."

WAC 480-120-X11(3) should be deleted since there is no primary toll carrier obligation in existence in Washington. This section makes no sense. The rule should require all telecommunications providers to include imputed revenues on a per minute of use rate basis, not just ILECs. This section also references section (2)(g), which does not exist.

WAC 480-120-X12 Washington Exchange Carrier Association ("WECA")

Qwest continues to oppose continuation of the traditional universal service fund ("USF") pooling approach through WECA tariffs. The traditional pool has no basis in current USF funding needs and should be replaced by the current explicit USF switched access terminating rate. USF funding for any telecommunications provider should be based on a verifiable showing of need in conjunction with a clear set of USF cost guidelines. The Commission, in conjunction with the industry and the legislature, needs to develop a new universal service cost methodology and recovery mechanism that serves all telecommunication providers pursuant to the guidelines provided in the Telecommunications Act of 1996. In the interim, until a permanent USF funding mechanism is available to all companies, on equal terms and conditions, the WECA companies should be required to satisfy their USF needs through the interim USF element allowed under the Commission's terminating access rule, WAC 480-120-540. Each company should set their access rates based on their specific need. Therefore, Qwest opposes adoption of this proposed WAC. Section (5) should be included in WAC 480-120-X11 as an interim measure until a transition to carrier specific explicit USF charges is made. Another alternative would be to sunset the ability of carriers to pool USF cost recovery and maintain this proposed rule until such a sunset.

WAC 480-120-X13 Caller identification service

WAC 480-120-X13 (1)(c)(ii) and(iii) should be eliminated. It is inconsistent with (2)(c) and inappropriate since the customer has the option of placing call blocking on their line for no charge at the time they order the line or service.

WAC 480-120-X16 Service interruptions.

WAC 480-120-X16 (1)(a) should be eliminated and WAC 480-120-X16 (1)(b) should be applicable to all trouble reports. It is almost impossible to clear 100% of trouble reports that do not require a visit to the customer's premise within twenty-four hours from the time a customer makes an initial repair report to the company. The trouble condition still needs to be assessed and scheduled for the next days work. (1)(b) should also retain the current

standard of two working days which is significantly different than forty eight hours. Qwest recognizes section (3) addresses this issue but it is unclear why two working days was changed to 48 hours. Perhaps staff can address this change at the workshop as well.

In addition, WAC 480-120-X16 (1)(b) should be modified to 99% of all trouble reports. The 100% standard is impossible to attain. There are service interruptions that require new construction before service can be restored. New construction cannot be completed within two working days.

WAC 480-120-X16 (3) should be modified to include the exclusion of trouble caused by emergency situations, unavoidable catastrophes, force majeure, work stoppage, disruptions of service caused by third parties or entities other than the local exchange company or failure of inside wire or customer premises equipment. It should also address those instances when the company must provide new facilities to restore service.

WAC 480-120-X18 Minimum filing requirements for Class B companies – rate increase.

Qwest is still reviewing the proposed rules and may file subsequent comments.

Definitions

Access charge: Qwest respectfully suggests that there is no need for a definition for "access charge". Most carriers already define the term in their tariffs or price lists and understand what is meant by this term.

Basic Service: This definition should be modified to "basic local exchange service".

Centrex: Qwest respectfully suggests that there is no need for a definition for "Centrex". Most carriers already define the term in their tariffs or price lists.

Customer premises equipment ("CPE"): In most cases, CPE is equipment owned by a customer not by the Company.

Disconnect: The definition appears to be incomplete.

Drop wire: It is unclear what is meant by "pedestals". The pedestal is normally not on the customer's property and the customer is responsible for providing the support structure.

Force Majeure: Force majeure is defined in the dictionary as an event or effect that cannot be reasonably anticipated or controlled. It is not clear where or how staff came up with its interpretation.

Major Outages: This definition should be modified to the current WAC definition of a major outage. The proposed definition would actually result in fewer outages be classified as "major outages".

Voice grade: Qwest would suggest a "voice band" definition followed by voice grade and channel definitions. Following is Qwest's suggested definitions:

> Voiceband: The set of frequencies between approximately 300 Hz and approximately 3300 Hz (not necessarily a passband). The frequencies approximately 300 Hz and approximately 3300 Hz are based on cables with an H88 loading scheme. If another loading scheme is used, e.g. D66, or if the plant is not loaded, the upper frequency of the voiceband is constrained by the anti-aliasing filter of the analog-to-digital conversion to approximately 3400 Hz.
>
> Voicegrade: Suitable for transmitting a voice signal.
>
> Channel: For the purposes of these rules, a bi-directional voiceband transmission path between two points.

Without definitions, these terms sometimes are cause for long discussions. There are modems designed for use in other countries that expect a few more hundred Hz than the generally deployed H88 and voice A/D channel units provide. Also, REA engineering rules embraced the D66 loading scheme.