

[Service Date October 14, 2003]

October 14, 2003

**NOTICE OF RECEIPT OF PETITION FOR DECLARATORY ORDER;  
OPPORTUNITY TO SUBMIT STATEMENT  
(By Tuesday, October 21, 2003)**

Re: *In the Matter of COMCAST PHONE OF WASHINGTON, LLC's Petition for  
an Interpretive and Policy Statement or Declaratory Ruling*  
Docket No. UT-031626

TO ALL INTERESTED PERSONS:

On October 2, 2003, Comcast Phone of Washington, LLC ("Comcast Phone") filed with the Commission a petition that requests, in the alternative, a declaratory order pursuant to RCW 34.05.240 and WAC 480-09-230. Specifically, Comcast Phone seeks an order declaring that the service quality performance reports required by WAC 480-120-439(3), (4), and (6) through (10) do not apply to Comcast Phone because the company is a competitive local exchange company ("CLEC"). Comcast Phone also argues that construing WAC 480-120-439 to apply to CLECs such as Comcast Phone violates state law and public policy, and is contrary to the public interest.

Pursuant to RCW 34.05.240 and WAC 480-09-230, the Commission gives notice of this Petition to all persons required by law and such other persons as deemed appropriate. Only CLECs doing business in Washington and having two percent (2%) or more of the access lines within the state of Washington are similarly situated to Comcast Phone for purposes of this Petition. A copy of Comcast Phone's petition is posted on the Commission's web site, <http://www.wutc.wa.gov/031626>.

WAC 480-09-230 requires:

Within thirty days of receipt of a petition for declaratory order, the Commission will:

- (1) Enter a declaratory order; or
- (2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or
- (3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or
- (4) Set a reasonable time and place for a hearing.

RCW 34.05.240(7) provides:

An agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

**NOTICE IS GIVEN That the Commission requests that interested persons who assert their status as a necessary party file a statement declaring their interest and whether they consent to the determination of this matter by a declaratory order. Persons interested in this matter, but who do not assert their status as a necessary party should submit a request to be placed on the Commission's service list in the event of further proceedings. All statements must be filed by Tuesday, October 21, 2003.**

Procedural questions regarding this matter may be addressed to Dennis J. Moss, Administrative Law Judge, at 360-664-1164 or [dmosse@wutc.wa.gov](mailto:dmosse@wutc.wa.gov).

Sincerely,

CAROLE J. WASHBURN  
Executive Secretary