

[Service Date March 21, 2012]

March 21, 2012

Rep. Reuven Carlyle
325 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600

Rep. Marko Liias
414 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600

Rep. Joe Fitzgibbon
305 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600

RE: Request to amend rules relating to directory service, WAC 480-120-251
Utilities and Transportation Commission Docket UT-120293

Dear Representatives Carlyle, Liias and Fitzgibbon:

The Utilities and Transportation Commission (Commission) acknowledges your February 20, 2012, letter requesting the Commission eliminate the requirement in WAC 480-120-251 that directory companies distribute white pages directories to customers in their service area, and provide an option for customers to “opt in” to receive printed directories.

The Commission has also received a letter from Jeanette Henderson requesting an amendment to WAC 480-120-251 to allow customers to opt in to receive white pages directories by requiring companies to send a postcard to all customers notifying them of the opt-in option. Both letters have been filed in docket number UT-120293.

The Commission considers both letters to be petitions to adopt rules under the process set forth in RCW 34.05.330. By statute, the Commission must either grant these petitions by initiating a rulemaking through a notice of proposed rulemaking under RCW 34.05.320,

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or deny the petitions, stating its reasons for denial or identifying the alternative means by which it will address the concerns raised in the petitions.

Because the two petitions are not entirely consistent, and because the Commission would like to provide an opportunity for all interested stakeholders to participate in developing a rule before proposing adoption of a rule under RCW 34.05.320, the Commission will initiate a rulemaking on this subject, beginning with the pre-proposal process in RCW 34.05.310. Thus, while the Commission is technically denying your request, we will be initiating a rulemaking on this issue during which we will consider your specific proposal.

We appreciate your request for a change in the rule governing white pages directories. We are in the process of preparing the necessary documents to initiate a rulemaking, and will include you in the list of interested persons receiving notice of the rulemaking, as well as any opportunities to file comments or participate in any workshops as a part of the rulemaking process.

If you have any questions about this letter or the Commission's rulemaking process, please contact William Weinman, Assistant Director for Telecommunications, at (360) 664-1109 or wweinman@utc.wa.gov.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary