

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Rulemaking Concerning
Telecommunications
Service (Line) Extensions
WAC 480-120-071 and -103

DOCKET NO. UT-073014

Comment Opportunity (CR-102)

FOURTH COMMENTS OF PUBLIC COUNSEL (CR-102)

June 6, 2008

I. INTRODUCTION

Public Counsel files these comments in response to the Commission's May 9, 2008 Notice of Opportunity to Submit Written Comments on Proposed Rules. These comments address the most important aspects of our prior comments on this rulemaking as they apply to the current proposed rules.

II. COMMENTS

1. Draft WAC 480-120-071(2): Time deadlines for extensions of service.

In our previous comments, Public Counsel recommended that the Commission amend its earlier draft rule to require companies to make reasonable payment plans available to all applicants and begin running the twelve-month deadline upon substantial partial payment.¹ In

¹ See Redacted Second Comments of Public Counsel (CR-101) (filed February 11, 2008), *Rulemaking Concerning Telecommunications Service (Line) Extensions*, Docket No. UT-073014, pp. 4-5.

the current discussion draft, the Commission added language under WAC 480-120-071(2)(b) requiring companies to provide applicants an application for extension of service within seven (7) business days of the applicant's initial request. However, the Commission declined to accept our full proposal.

We remain concerned that limited-income applicants may not be able to pay the full cost of an extension quickly and thus may go without service a long time, even where they have entered into a payment plan with the company and have made consistent, substantial payments. This conflicts with the rule's requirement that service be extended "in a timely manner." Accordingly, we request that the Commission reconsider including language in WAC 480-120-071(2) requiring companies to make reasonable payment plans available to all applicants and begin the running of the twelve-month deadline upon substantial, partial payment.

2. Draft WAC 480-120-071(3)(a): Length of Allowance.

Public Counsel previously recommended that, if the Commission chose to include a distance allowance in the rule, the allowance should be 2,000 feet.² The Commission's current draft rule includes a 1,000 foot allowance. In our previous comments, we included data on the length and cost of line extensions constructed in recent years.³ Based on this data, our analysts determined that a 2,000 foot distance cap would strike the right balance between fostering universal service while not imposing unreasonable costs on companies and ratepayers in general.

² *Id.*, pp. 5-6.

³ *See generally*, Confidential Second Comments of Public Counsel (CR-101) (filed February 11, 2008), *Rulemaking Concerning Telecommunications Service (Line) Extensions*, Docket No. UT-073014.

At this time, we again request that the Commission consider setting the distance cap at 2,000 (rather than 1,000) feet.

3. WAC 480-120-071(4): Applicant access certification requirement.

Public Counsel recommended in its previous comments that the Commission remove the requirement that applicants requesting an extension over the distance allowance certify that they do not have access to “reliable and adequate service from another telecommunications service” from its previous draft.⁴ The Commission accepted this recommendation, deleting subsection (4) of WAC 480-120-071. For the reasons stated in our previous comments, Public Counsel fully supports this change.

4. WAC 480-120-071(7): Customer billing provisions.

Public Counsel previously voiced concerns regarding the customer billing provisions of the draft rule.⁵ Specifically, Public Counsel felt that a company’s offer to construct supporting structures and dig trenches should be clearly separated from billing of mandatory costs. We also recommended that the Commission include a requirement that the company’s construction specifications should be reasonable. The Commission added language in the current draft that addresses the first of these suggestions; Public Counsel supports that change.⁶ However, the Commission did not add a requirement that a company’s construction specifications be reasonable. This might be problematic considering that WAC 480-120-071(6)(a) states that

⁴ See Redacted Second Comments of Public Counsel, pp. 6-7.

⁵ *Id.*, pp. 7-8.

⁶ Draft WAC 480-120-071(6)(a)(i) states in pertinent part: “The company may offer to construct supporting structures and dig trenches and may charge for those services, but the tariff may not require that applicants use only company services to construct supporting structures and dig trenches. The offer must clearly state that the applicant may choose to employ a different company for construction services.”

“a company tariff may *condition construction* on completion of support structures, trenches, or both on the applicant’s property.”

Accordingly, Public Counsel suggests that the Commission reconsider adding some language to this Section to require that a company’s construction specifications be reasonable.

III. CONCLUSION

Public Counsel respectfully requests that the Commission consider these comments as it concludes this rulemaking. We look forward to participating in the adoption hearing on June 26.