

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF:

RULEMAKING TO CONSIDER ADOPTION OF
RULES TO IMPLEMENT RCW CH. 80.54,
RELATING TO ATTACHMENTS TO
TRANSMISSION FACILITIES

DOCKET NO. UT-140621

CENTURYLINK'S THIRD SET
OF COMMENTS ON DRAFT
RULES

I. INTRODUCTION

1 CenturyLink hereby files its third set of comments in this docket in which the
Washington Utilities and Transportation Commission (“Commission”) has opened a
rulemaking to consider the adoption of rules to implement RCW Chapter 80.54, relating
to attachments to transmission facilities.

II. COMMENTS ON DRAFT RULES

2 CenturyLink has reviewed the redlined draft rules issued January 6, 2015, and offers the
following comments for the Commission’s consideration.

3 In proposed WAC 480-54-010 (Purpose and Interpretation), the Commission has clarified
the extent to which it will rely on FCC orders in interpreting its rules, and this
clarification is helpful.

4 Under the federal regime, there are two important exceptions to the general rules
promulgated in the C.F.R. and in the proposed rules in this docket. CenturyLink seeks
clarification that these exceptions, though not stated in the Washington rules, will
continue to apply, consistent with the FCC’s interpretations of its rules.

5 The first issue concerns the definition of “usable space” in proposed WAC 480-54-
020(18). Under the definition as written, there may be a question as to whether a utility
may designate capacity in a duct for maintenance or emergency use. However, FCC

orders make it clear that such designation is permissible, and CenturyLink seeks to preserve that interpretation of the law under the Washington rules as well.¹ CenturyLink therefore asks the Commission to make that clarification, either in the rules or in its adoption order.

6 The second issue concerns the rate formula in proposed WAC 480-54-060. CenturyLink agrees with the rate formulas shown in this rule. However, there is a provision in the FCC rules that allows the facility utility to calculate a rate based on the gross cost of a bare pole if the net cost is negative due to depreciation, etc. As with the “usable space” issue, CenturyLink asks the Commission to clarify, either in its rules or in its adoption order, that the “gross cost” formula may be used where necessary to properly calculate a rate.²

7 CenturyLink appreciates the work of the Commission Staff on this rulemaking, and encourages the Commission to make the modifications to the proposed rules as set forth in these comments.

Submitted this 6th day of February 2015.

CENTURYLINK

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¹ *Consolidated Partial Order on Reconsideration*, FCC 01-170 (“FCC 01-170”), 16 FCC Rcd 12103 (2001), ¶¶ 91-93. “[A] utility may designate capacity in a duct for maintenance or emergency use . . .”

² *Id.* at ¶¶ 29-42.