

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-061625
)	
QWEST CORPORATION)	ORDER 11
)	
For an Alternative Form of Regulation)	
Pursuant to RCW 80.36.135)	ORDER GRANTING MOTIONS FOR
)	LEAVE TO FILE COMMENTS AND
)	APPROVING, SUBJECT TO
)	CONDITION, AFOR
)	IMPLEMENTATION PLAN
.....)	

Synopsis: The Commission grants the motions for leave to file comments on Qwest’s Washington Rural Broadband Expansion Plan. The Commission approves, subject to condition, the proposed AFOR Implementation Plan.

MEMORANDUM

- 1 On July 24, 2007, the Washington Utilities and Transportation Commission (Commission) entered Order 06, Order Accepting Settlement and Approving Alternative Form of Regulation (AFOR), On Conditions. That Order, among other things, required Qwest Corporation (Qwest) to file a plan within 90 days of final approval of the AFOR for a \$4 million investment to facilitate deployment of advanced telecommunications services to underserved areas or customer classes in Washington.¹
- 2 On October 24, 2007, Qwest filed a Washington Rural Broadband Service Expansion Plan (Expansion Plan). On October 26, 2007, Public Counsel filed a motion for leave to file comments on the Expansion Plan. On October 31, 2007, Commission Staff² also filed a motion for leave to file comments on the Expansion Plan.

¹ See ¶122.

² In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “ex parte” wall separating the Commission, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. RCW 34.05.455.

- 3 On October 25, 2007, Qwest filed a Notice of Tariff Changes for Services Treated as Competitively Classified, Rate Increase for Standalone Residential Exchange Service, and Elimination of the Residential Directory Assistance Call Allowance. On the same date, Qwest filed a Correction to WN U-44 Access Tariff. In a related transmittal, Qwest provided copies of the revised Exchange and Network Services Catalog, Advanced Communications Service Catalog, and Private Line Transport Services Catalog, at Commission Staff's request, for informational purposes only.
- 4 On October 26, 2007, Qwest, Commission Staff, and Public Counsel filed a Joint Motion seeking approval of a proposed AFOR Implementation Plan (Implementation Plan).
- 5 On November 6, 2007, Qwest filed a Declaration in Accordance with WAC 480-120-198, stating that it provided notice between October 23 and 31, 2007, of the approved AFOR to its residential and business customers.
- 6 According to WAC 480-07-375(4), a party has five business days to oppose a motion. Qwest did not oppose the motions of Public Counsel or Commission Staff to file comments on the Expansion Plan within the time permitted by regulation. Accordingly, we grant the unopposed motions to file comments and conclude that comments may provide information that will aid our review of the Expansion Plan filed by Qwest. A party may file comments within 10 days of the date of this Order.
- 7 We have reviewed the AFOR Implementation Plan filed by Qwest, Commission Staff, and Public Counsel and conclude that it should be approved, subject to condition. The Implementation Plan includes deadlines for the processes established by Order 06 entered in this proceeding. Order 06 requires Qwest to provide customers with Commission-approved notice prior to implementation of the AFOR. The Implementation Plan establishes a deadline for providing customer notice 30 days in advance of implementation. On November 6, 2007, Qwest filed a declaration demonstrating that notice was provided to both residential and business customers in accordance with the deadline agreed upon in the Implementation Plan. Moreover, the Plan presents reasonable deadlines for all compliance filings required by Order 06. The sole condition attached to the approval of the Implementation Plan is clarification that approval of the Implementation Plan does not constitute approval of the separate tariff changes filed by Qwest.

8 According to RCW 80.04.130, the Commission must approve proposed changes to a utility's tariffs. Order 06 entered in this proceeding allowed Qwest to modify the manner in which it provides many utility services. Qwest submitted a compliance filing that will move services treated as competitively classified from its Exchange and Network Services Tariff to the Exchange and Network Catalog posted on Qwest's web site. The new tariff will replace the current tariff in its entirety. Qwest also proposed to withdraw its Advanced Communications Service and Private Line Transport Services Tariffs and move all services to the Advanced Communications Service and Private Line Transport Services Catalogs respectively, posted on Qwest's web site. The revised tariff also permits a \$1.00 rate increase for standalone residential service and eliminates the one free directory assistance call for residential customers. That filing was submitted approximately 10 days ago and neither the parties nor the Commission have had an adequate opportunity to review the proposed tariff changes. Accordingly, the tariff revision will be addressed by subsequent order. We are mindful that Qwest requests that the tariff changes be approved for service rendered on or after December 1, 2007.

FINDINGS OF FACT

- 9 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings of fact and conclusions upon issues and the reasons therefore, the Commission now makes and enters the following summary of those facts, incorporating by reference pertinent portions of the detailed findings:
- 10 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 11 (2) Qwest Corporation (Qwest) is engaged in the business of furnishing telecommunications service for hire, sale, or resale to the general public for compensation within the state of Washington.
- 12 (3) Order 06 in this proceeding required Qwest to file, within 90 days of final approval of the AFOR, for Commission approval a plan to facilitate deployment of the advanced telecommunications services to underserved areas and/or customer classes in Washington.

- 13 (4) Qwest filed a Washington Rural Broadband Expansion Plan (Expansion Plan) within the 90-day time frame required by Order 06.
- 14 (5) Public Counsel and Commission Staff requested leave to file comments on Qwest's Expansion Plan and Qwest did not oppose such a filing.
- 15 (6) Qwest, Public Counsel, and Commission Staff filed a Joint Motion for Approval of an AFOR Implementation Plan.
- 16 (7) Qwest filed a declaration that the residential and business customer notices approved by the Commission were sent to customers between October 23 and 31, 2007.

CONCLUSIONS OF LAW

- 17 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law, incorporating by reference pertinent portions of the preceding detailed conclusions:
- 18 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, this proceeding. *RCW Title 80.*
- 19 (2) Qwest Corporation is a "public service company" and a "telecommunications company," as those terms are defined in RCW 80.04.010 and used in Title 80 RCW.
- 20 (3) The unopposed motions for leave to file comments on Qwest's Washington Rural Broadband Expansion Plan filed by Public Counsel and Commission Staff are reasonable and should be granted and comments should be filed within 10 days of the date of this Order.
- 21 (4) The Joint Motion for Approval of the AFOR Implementation Plan filed by Qwest, Public Counsel, and Commission Staff is reasonable and should be approved, subject to the condition that approval does not constitute approval of the separate tariff revisions filed by Qwest.

ORDER

THE COMMISSION ORDERS:

- 22 (1) The deadline for filing comments on Qwest's Washington Rural Broadband
Expansion Plan is November 19, 2007.
- 23 (2) The AFOR Implementation Plan is approved, subject to condition that approval
does not include approval of the tariff revisions filed October 25, 2007.

DATED at Olympia, Washington, and effective November 8, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner