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August 12, 2002

Ms. Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Docket No. UT-990146 – WAC 480-120 Rulemaking

Dear Ms. Washburn:

This letter will provide additional comments on behalf of The Washington Independent Telephone Association (WITA). At the rules hearing on July 26, 2002, WITA agreed to pass over its comments on some of the more technical issues and minor language issues in favor of addressing the major areas in the rulemaking. This was done in the interest of time at the rulemaking hearing.

In conversations with Commission Staff, it was agreed to ask the Commission for the opportunity to present these technical comments and language comments in letter form. The Commissioners approved that request at the rulemaking hearing.

These comments were prepared with the substantial input from Mr. Robert Snyder. These comments will not, with minor exceptions, repeat comments made by either Mr. Snyder or the undersigned at the rulemaking hearing.

The format for these comments will be to address your attention to the particular rule involved and then provide either a description of the problem presented or proposed rule language.

WAC 480-120-021

WITA does want to take the opportunity to repeat its comments made at the rules hearing that the definitions related to the CPNI rules should be removed and put on a separate track, given the Commission's deferral of the CPNI rules. This would include the definitions of call detail, CPNI and subscriber list information.

The term "busy season" has a problem by referring to individual trunks. The industry standard is to measure the busy season by trunk group, not individual trunks. Therefore, the suggestion is that the word "group" be added after "trunk" as it appears in the second and fourth lines of the definition.

The definition of local calling area needs further consideration. Particularly in light of virtual NXX issues that have been brought before the Commission recently, this definition needs additional review. WITA suggests that the term be removed from the definitions that are adopted in the present rulemaking.

WAC 480-120-061

WITA suggests that subsection (2) be amended to have the second sentence read "The company is responsible for securing, to the extent necessary in order for it to satisfy bona fide requests for service, all public rights of way, easements . . . ." The purpose of this change is to make it clear that the company's responsibility relates to requests for service and is not a general obligation to obtain franchises that may not be needed.

WAC 480-120-107

WITA suggests that subsection (1) be rewritten as follows: "LECs must provide a credit to customers ordering a first residential line, first two business lines, or both, if the service is not installed and activated by the due date established either at the time of the order or as otherwise permitted by WAC 480-120-103 . . . ." It is implied in the rule, but it would be better if it was explicitly stated that credits do not apply so long as the company is meeting the requirements of WAC 480-120-103 as far as establishing a due date.

WAC 480-120-147

The term in subsection (1)(a)(v) should be "interLATA" preferred carrier rather than "interstate" preferred carrier. In subsection (2) the adjectives

“intrastate” and “interstate” as modifying the term “toll” should be deleted. The same issue occurs in subsection (5).

WAC 480-120-161

Although these comments are trying to avoid repeating what was presented at the rulemaking hearing, it may be helpful to provide a suggested language change for subsection (4)(a). WITA suggests that this section be rewritten as follows: “Bills may only include charges for services that have been requested or authorized by the customer...” This language addresses the problems the draft language would have created since some services are billed in advance and services can be authorized by someone other than to whom the bill is sent.

WAC 480-120-163

WITA suggests that this rule be rewritten as follows: “A company must refund overcharges to the consumer with interest, retroactive to the time the overcharge was paid by the customer . . . .” This language more accurately reflects the requirements of statute.

WAC 480-120-166

WITA suggests that the words “collection or enforcement” be inserted in front of the word “action” in subsection (4)(a). The Commission would not want the company to literally stop all action involving the issues raised in the complaint. There are service issues that would need to continue to be addressed. It seems logical that the types of actions that should stop are collection or enforcement actions.

In subsection (11) WITA suggests a proviso be added to the end of that subsection to read as follows: “provided, however, that the company shall not be required to provide to Staff CPNI unless the company has received written authorization from the complaining customer authorizing the company to disclose such information to Staff.” This proviso would then make the duty to provide information to the Staff consistent with the CPNI requirements.

WAC 480-120-262

In subsection (1) of this section, the term OSP is defined. WITA suggests that the language “and operator services in conjunction with such connection” be added to the end of that definition. The additional language will make the definition more complete.

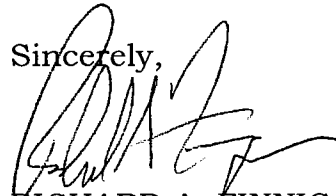
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In subsection (4) there appears to be an inconsistency in the use of the terms "rates" and "charges." Please see subsections (c) and (d). Is it the intent that the charges that are provided in the rate disclosure be a sample of how the rates apply? Should (c) be rewritten to read: "The oral rate disclosure message must state all rates that will apply if the consumer completes the call and give examples of the charges that would result from the application of those rates"?

In subsection (4)(f) the words "of the OSP's" should be inserted in front of the word "charges" in the second line. This change will keep the structure of the sentence in proper order.

Thank you for your consideration of these comments.

Sincerely,



RICHARD A. FINNIGAN

RAF/km

cc: Terrence Stapleton  
Robert Snyder  
WITA Members