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WASHINGTON STATE LEGISLATURE

September 4, 2002

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CHAIR, WUTC

Marilyn Showalter
Chair, Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Dear Chair Showalter:

It has come to our attention that the Commission has proposed adoption of WAC 480-120-312, Universal Service Cost Recovery Authorization. We understand that the Commission held a hearing on July 26, 2002 for the purpose of adoption and that the proposed rule has been scheduled for a "workshop" on September 17, 2002.

As you know, the WUTC introduced request legislation in 1998 (SB 6622) seeking authority to establish a universal service program and assess charges to pay for it.

The Legislature rejected the WUTC's request and amended SB 6622 to direct the WUTC to plan a program "which shall not take effect until the legislature approves the program." The Legislature further imposed certain future conditions on any universal service program "once a program is approved by the legislature and subsequently established".

SB 6622 was also amended to read that "Any rules regarding universal service adopted by the utilities and transportation commission shall comply with the purpose, as stated in section 1 of this act," which required prior legislative approval.

The language of SB 6622 is unambiguous and repeatedly states the Legislature's clear intent to prohibit the WUTC from imposing any universal service program without prior approval by the Legislature.

We believe that the universal service rule proposed by the Commission is contrary to both the letter and intent of SB 6622 as signed by Governor Locke. It is obvious to us that the Legislature intended to retain its prerogative to enact a state universal service program and did not wish to delegate its authority to the Commission.

RMW

FOB

Accordingly, we ask that the Commission formally withdraw the proposed rule from consideration. If the Commission wishes to propose a universal service program, it should make its proposal to the Legislature.

We would appreciate your early attention to this matter and look forward to your response.

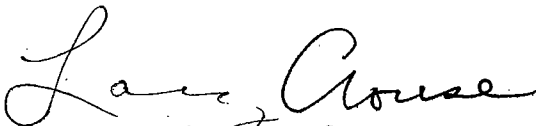
Sincerely,



Senator Timothy Sheldon
35th District
Chair, Senate Economic Development and Telecommunications Committee



Representative Jeff Morris
40th District
Chair, Technology, Telecommunications and Energy



Representative Larry Crouse
4th District
Ranking Minority Member, Technology, Telecommunications and Energy