

February 6, 2015

Via Web Portal

Steven V. King
Secretary and Executive Director
WA Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504

RE: RULEMAKING TO CONSIDER ADOPTION OF RULES TO IMPLEMENT RCW CH.
80.54, RELATING TO ATTACHMENTS TO TRANSMISSION FACILITIES
WUTC Docket No. U-140621

Dear Mr. King:

Enclosed for filing in the above docket are the Written Comments of Integra Telecom of Washington, and its affiliates.

Sincerely,

A handwritten signature in blue ink that reads "Kim K. Wagner".

Kim K. Wagner
Legal & Regulatory Administrator
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Enclosure

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to Consider Adoption of Rules)
to Implement RCW ch. 80.54, Relating to) DOCKET NO. U-140621
Attachments to Transmission Facilities,)
Docket U-140621)
.....)

WRITTEN COMMENTS OF INTEGRA

Integra Telecom of Washington, Inc., on behalf of itself and its affiliates¹ (“Integra”), respectfully provides these written comments regarding the draft rules concerning attachments to transmission facilities.²

Summary

To the extent not incorporated into the current draft rules,³ Integra continues to support the changes outlined in its initial comments,⁴ specifically with respect to *Timeline for Response to Application*,⁵ *Extension of Timeline for Make Ready Work*,⁶ and *Multiple Requests*.⁷

In addition, Integra provides comments on the *Second Draft Rules* changes to section 480-54-030(7), *Exceptions to Timelines*.⁸ Integra requests the Commission reject the changes made to this section, especially as they relate to the threshold (i.e. 100 poles vs 300 poles) used to determine whether the timeframes established in rule 480-54-030 apply.

¹ Integra affiliates operating in Washington are: Integra Telecom of Washington, Inc., Electric Lightwave, LLC, Eschelon Telecom of Washington Inc., Advanced TelCom, Inc., Shared Communications Services, Inc., Oregon Telecom Inc., United Communications, Inc., and World Communications, Inc.

² Notice of Opportunity to 2nd Draft Rules, U-140621, January 6, 2015.

³ Second Draft Rules Governing Access to Utility Poles, Ducts, Conduits, and Rights-of-Way, Docket U-140621, January 6, 2015 (“Second Draft Rules”).

⁴ Comments of Integra, Docket U-140621, October 8, 2014.

⁵ Comments of Integra, p. 3.

⁶ Comments of Integra, p. 4.

⁷ Comments of Integra, p. 5.

⁸ Second Draft Rules, pp. 4-5.

Discussion

*Exceptions to Timelines*⁹

Timely responses to requests for access are crucial to competition and the ability of carriers to utilize existing facilities. When networks are expanded to support specific end user customers, greater delay increases the probability of losing the customer, and as a result, decreases competitiveness in the industry. When networks are expanded to support a backbone network, delays result in higher cost and reduce the competitiveness of the market. It is crucial for carriers to be able to predictably plan network expansion and communicate accurately with end user customers. Specific timeframes are needed to ensure the predictability of network expansions.

The initial draft rules set specific timeframes for an owner to respond to requests for attachments up to 300 poles or 0.5% of the owner's poles.¹⁰ When a request exceeded 300 poles, extended timeframes were established under the rules.¹¹ The 300-pole threshold and the timeframes in the original Draft Rules were consistent with the threshold and timeframes established by the FCC,¹² as well as the threshold and timeframes currently contained in many competitive carriers' Interconnection Agreements with incumbent carriers.¹³

The *Second Draft Rules* undermine predictability in three important ways. First, the *Second Draft Rules* diminish the threshold used to establish exceptions from the timeframes outlined in the rules, from a request involving 300 or more poles to a request involving 100 or more poles.¹⁴ This

⁹ Second Draft Rules, 480-54-030(7).

¹⁰ Draft Rules 480-54-030(7)(a).

¹¹ Draft Rules 480-54-030(7)(b), (c) and (d).

¹² 47 C.F.R §1.1420(c) and §1.1420(g)(1) A utility shall apply the timeline described in paragraphs (c) through (e) of this section to all requests for pole attachment up to the lesser of 300 poles or 0.5 percent of the utility's poles in a state.

¹³ See CenturyLink QC Negotiation Template 10.8.2.4.6
<http://www.centurylink.com/wholesale/downloads/2015/150129/> .

¹⁴ Second Draft Rules, 480-54-030(7)(a).

could erode predictability by increasing the frequency of exceptions to the established timeframes. Second, the *Second Draft Rules* completely eliminate specific, predictable additional timeframes for survey work and make ready work, which would apply to requests exceeding the threshold, but which are less than 3000 poles.¹⁵ Finally, the *Second Draft Rules*, through the elimination of specific timeframes for large requests (i.e., requests greater than the threshold but less than 3000 poles), create a “good faith” standard for all pole requests greater than 100 poles rather than the 3000 poles or 5 percent standard contained in the initial Draft Rules. Good faith claims are difficult to prove.¹⁶

Because predictable timeframes are crucial to the placement of facilities, and to competition, Integra requests that the Commission reject the *Second Draft Rule* changes to 480-54-303(7)(a)-(d), or at a minimum, retain the 300-pole threshold for exceptions to the rules.

Conclusion

Integra appreciates the opportunity to provide feedback on the Draft Rules, and generally supports the implementation of the rules. Integra proposes the changes and clarifications outlined above.

RESPECTFULLY SUBMITTED,



Dated: February 6, 2015.

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¹⁵ Second Draft Rules deletion of 480-54-030(7)(b) and (c).

¹⁶ Second Draft Rules, 480-54-070 setting the standards for a complaint.