

MEMORANDUM

August 12, 2008

TO: Mark Sidran
Patrick Oshie
Philip Jones

FROM: Sharyn Bate Patricia Clark
Jonathan Thompson Jennifer Cameron-Rulkowski
Brian Thomas Mark Vasconi

SUBJECT: Rulemaking Docket UT-073014 – Line Extension Rules

RE: Adoption Hearing, August 14, 2008

Background

The commission initiated this rulemaking on September 5, 2007, to amend rules governing the agency's line extension rules. On October 4, 2007, the commission held a workshop for interested persons.

Following a request for comments and comments heard at the workshop, the commission circulated a set of draft rules to interested persons on January 10, 2008. Comments were due by February 11, 2008. The commission received comments on the draft rules from Public Counsel, Industry Coalition, United States Cellular Corporation and RCC Minnesota, Inc., AT&T Communications, WITA, and residents from Lilliwaup, WA, Sherri Dunn, Folke and Marjorie Olson, Stan Johnson, and Christine Jesionowski.

CR-102 Comments

On May 7, 2008, the commission filed a CR-102 (Notice of Proposed Rulemaking) with the Code Reviser, proposing amendments to WAC 480-120-071, Extension of service, relating to requirements for extension of service to customers within a telecommunication company's service territory, and WAC 480-120-103, Application of service, relating to requirements the applicant and the company must meet for a service application.

The CR-102 requested comments from interested persons by June 6, 2008. The commission received four comments. Because some interested persons did not receive notice of the CR-102 and the adoption hearing, the commission filed a continuance on June 23, 2008, asking for comments by July 16, 2008.

Two companies, AT&T and US Cellular & RCC Minnesota, support the proposed rules as written. Public Counsel raised concerns about the distance cap of 1000 feet rather than its proposed 2000 feet. Industry Coalition requested clarification on the language concerning the intent of the term "extraordinary cost." Industry Coalition provided language for a new Subsection (3)(d) to address general waivers under WAC 480-120-015 to clarify that the existence of an Eligible Telecommunications Carrier as an alternative service provider for the location could be a factor in deciding whether to grant a waiver. Industry Coalition requested clarifying language in Subsection (8) relating to how current petitions for waiver of the line

extension rule be addressed. Rimrock Meadows Association submitted comments concerning how the new rule will affect the Rimrock Meadows community.

Changes to Proposed Rules

- **(3) Allowances.**

(c) If the company determines that the first one thousand feet of an extension of service ~~up to the first one thousand feet~~ will involve extraordinary costs, the company may petition for permission to charge the applicant(s) for those costs. The petition must be in the form required under WAC 480-07-370(b)(ii) and the company must file the petition within one hundred twenty days after the order date. The company must provide notice to the applicant of the petition.

- **(6) Requirements for supporting structures and trenches.**

(ii) The company tariff may require that all supporting structures required for placement of company-provided drop wire from the applicant's property line to the premises are placed in accordance with reasonable company construction specifications. The tariff must require that, once in place and in use, all supporting structures and drop wire will be maintained by the company as long as the company provides service, and any support structure and trenches constructed at company expense are owned by the company.

- **(8) Application of rule.**

(a) The prior WAC 480-120-071, as it was in effect on June 1, 2008, will continue to apply to applications for extension of service that a company has completed or accepted before [the effective date of the amended rule].

(b) This section, as amended effective [the effective date of the amended rule], applies to requests for service made on or after [the effective date], applies to requests for service made before [the effective date] if the company timely informed the person requesting service that the company would request an exemption from the prior WAC 480-120-071.

Conclusion

The commission may consider adoption of the proposed rules in WAC 480-120, with changes to Subsection (3), (6), and (8) from the language in the commission's CR-102 proposed rules.

Attachments