

RE: Docket No. UT-030860
Request for Comment on Consideration of an Emergency Rule –
Opportunity to Comment No Later than Noon, Monday, June 9, 2003

Pursuant to the Commission's June 5, 2003 Notice, Qwest Corporation provides its responses to the Commission's questions regarding its consideration of an emergency rulemaking in conjunction with the possibility of service disruptions stemming from the change in Washington Telephone Assistance Program (WTAP) reimbursement rates.

Request for Comments

Comment is requested on present circumstances, and

1. Is there an actual risk that some WTAP eligible customers may lose access to 911 services as the result of an abrupt discontinuation of service?

Response:

There is a risk that any customer may lose access to 911 services as the result of an abrupt discontinuation of service. Obviously, if the service provider that is discontinuing service specializes in providing services to WTAP eligible customers, those customers are at risk of losing access to 911 services.

Qwest believes the most effective action the Commission can take to stem the potential adverse effects of service disruption, including the loss of access to 911 services, is to ensure that the service provider that is discontinuing service meets the requirements of WAC 480-120-083 (Cessation of telecommunications services). Among other requirements WAC 480-120-083 requires:

- No Telecommunications company may cease the provision of any telecommunications service in all or any petition of the state unless it first provides written notice to the Commission, the 911 program and each of its customers 30 days in advance of cessation of service
- The notice must include when service will cease and information on how to contact the exiting service provider in order to obtain service from another provider.
- The notice to the state 911 program must contain the name of the exiting service provider, the date of cessation of service, and the number of customers affected and their location.

It is Qwest's current understanding that the companies that are threatening cessation of service in certain areas of the state intend to continue operating in other areas of the state. If this is true, then the Commission should be able to enforce WAC 480-120-083 in order to facilitate an orderly transition between service providers.

2. How many WTAP eligible customers may be at risk of a sudden cessation of service?

Response:

Qwest has specifically been advised by one service provider of 2,000 customers that may be at risk of cessation of service. Qwest assumes, but has no first hand knowledge, that the specified customers are WTAP eligible. Qwest has also read newspaper reports that identify additional customers that could be at risk of service cessation due to the Department of Social and Health Services' (DSHS) change in WTAP funding policy.

3. How much time will it take a customer to find and be connected by an alternative local exchange company?

Response:

With the proper notification of cessation of service required under WAC 480-120-083, customers should learn of service cessation within a week of the notice being mailed. Upon notice, customers will be able to call alternative providers to secure service. Most installation intervals are less than 3 days.

4. Would a change in the effective date for WAC 480-120-174 assist WTAP eligible customers who may experience discontinuation of service with little or no notice?

Response:

No. A change in the effective date for WAC 480-120-174 would not stem the effect of an abrupt discontinuation of service, including the possible loss of access of 911 services. It could possibly affect the customer's ability to get service restored by a service provider that had previously disconnected the customer for nonpayment of service.

5. What is the number of WTAP customers that may be assisted rapidly in obtaining substitute service by adoption of an emergency rule to change the effective date of WAC 480-120-174 from July 1, 2003 to June 11, 2003?

Response:

Qwest has no first-hand knowledge of the number of customers that may be involved other than what is provided in response to Question #2.

6. Does a risk of discontinuation of service to WTAP eligible customers warrant the immediate adoption, amendment, or repeal of a rule necessary for the preservation of public health, safety, or general welfare, and that observing the time

requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest RCW 34.05.350? Does the apparent risk of sudden disconnection of local exchange service and the consequent loss of 911 services are sudden and pressing circumstances that warrant dispensing with the usual period for notice and opportunity to comment? .

Response:

No. See Qwest response to Question #1.