



Rob McKenna

# ATTORNEY GENERAL OF WASHINGTON

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July 28, 2005

**VIA FIRST CLASS MAIL & ELECTRONIC FILING**

Carole Washburn  
Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Pk. Dr. S.W.  
PO Box 47250  
Olympia, WA 98504-7250

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Re: In the Matter of Qwest Petition for Waiver of WAC 480-120-140 and WAC 480-120-104(1)(b)  
Docket No. UT-030939

Dear Ms. Washburn:

Public Counsel requests the Commission deny the permanent waiver of WAC 480-120-140 regarding welcome letters or confirming notices for Qwest's large business and institutional customers. Public Counsel also requests the Commission deny the permanent waiver of WAC 480-120-140(1)(b) regarding the requirement to include a banded rate schedule in welcome letters and confirming notices to Qwest customers when their service is provided under a banded rate schedule.

**WAC 480-120-140**

While Public Counsel does not oppose a waiver for large customers in concept, Qwest's petition has failed to define what constitutes large business and institutional customers. Public Counsel very strongly opposes a permanent waiver of the notice requirement for the smaller and medium sized customers. Approval of the waiver without a clear definition of the demarcation point between which customers can be included under the waiver will create vague and ambiguous interpretations and fail to protect the smaller and medium sized customers.

Because the petition fails to define what constitutes large business and institutional customers Public Counsel and Commission Staff - as well as the customers themselves - will not have any means for independently determining the classification of customers under the waiver. Qwest will be given full discretion to make the determination.

Public Counsel urges the Commission to require some minimum customer size in the definition of large customer and institutional customers.



ATTORNEY GENERAL OF WASHINGTON

Carole Washburn  
Docket No. UT-030939  
July 28, 2005  
Page 2

**WAC 480-120-140**

Public Counsel opposes Qwest's Petition for a permanent waiver of the requirement to provide minimum and maximum rates in welcome letters and confirming notices to customers receiving service under a banded rate service. In an unregulated or less regulated environment it is essential for a customer to be informed of the risk of price fluctuation when they choose a service. Two prices are not the same if one has a different risk of changing and a different magnitude by which it could change. Price discovery, on the individual customer level, is one of the purposes of the notification of the rate bands in the welcome letters.

Qwest claims the cost of changing their billing databases could potentially be in the millions. Qwest, however, does not provide any information to support their claim. While it is *possible* the costs could be high for a single change to the billing system it is doubtful that the billing system will *never be changed* and that the changes needed for compliance to the WAC 480-120-104(1)(b) can not be done in conjunction with other changes at a far smaller cost. Creating a permanent exemption based solely on the speculation that compliance will always cost too much is insufficient. Public Counsel recommends for these two reasons the request be denied.

Sincerely,



Steve Johnson  
Regulatory Analyst  
Public Counsel Section  
(206) 464-6253

cc: Tammy Thurston, WUTC