



ATTORNEY GENERAL OF WASHINGTON

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September 9, 2019

SENT VIA UTC WEB PORTAL

Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Park Square Loop SE
Lacey, WA 98503

Re: *Rulemaking to Consider Amending and Adopting Rules in WAC 480-123, Universal Service, to Implement Legislation Amending and Extending the State Universal Communications Service Program, Docket UT-190437*

Dear Mr. Johnson:

Public Counsel appreciates the opportunity to comment on the Utilities and Transportation Commission's rulemaking to update and adopt new rules to implement provisions from Second Substitute Senate Bill 5511 (2SSB 5511), which expands universal service funding to broadband. Broadband access for Washingtonians is critically important to conduct business, obtain schooling, and search and apply for employment, among other things. Applying state universal service funding to broadband deployment, improvement, and maintenance is appropriate.

The attached comments, written by Helen Golding and Susan Baldwin on behalf of Public Counsel, set forth principles the Commission should consider and suggestions for how the rules should be focused. A key principle is accountability. While companies receiving universal service funds will be investing in important infrastructure, those companies must be held accountable for providing the benefits and service the funding is intended to achieve. The Commission is well-positioned to review applications, decide funding awards, and follow up on accountability through reports and accountings submitted by the companies beyond the award year.

Another key principle is efficiency. The universal service fund administered by the Commission is limited in funding. To the extent possible, the Commission should determine priorities that ensure that the funding targets the state's greatest needs in terms of reaching the goals set forth in 2SSB 5511. Additionally, the Commission should require applicants to provide sufficient data to

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assist in evaluating where broadband exists and at what speeds and where the state's limited dollars are most needed.

The attached comments also discuss the interplay between the Commission, other state entities, and the FCC in influencing broadband in Washington State. In particular, interactions between the Commission and the new State Broadband Office will be essential to allow coordinated, albeit separate, efforts. Additionally, federal policy offers challenges and opportunities, and the Commission should take advantage of information gathered at the federal level while not being constrained by the FCC's timetable.

Public Counsel looks forward to reviewing the comments filed by other stakeholders and participating in this rulemaking. Any questions about this letter or the attached comments may be directed to Lisa W. Gafken, Public Counsel Unit Chief, at Lisa.Gafken@atg.wa.gov or (206) 464-6595.

Sincerely,

/s/ Lisa W. Gafken
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LWG/CM
Enclosures