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February 19, 2010

**VIA E-MAIL AND HAND DELIVERY**

Mr. David Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Washington Exchange Carrier Association - Docket No. UT-100035  
- Order 01 - Request for Clarification

Dear Mr. Danner:

In the above-referenced docket, the Commission granted the request of the Washington Exchange Carrier Association ("WECA) to change the procedural rules to allow docket notices to be communicated by e-mail. While the Commission approved WECA's request, the Commission added two conditions. The first condition is that WECA establish a webpage. The second condition is that "WECA must accept e-mail as equivalent to other approved forms of communication for all purposes."

WECA has no objection to establishing a webpage. WECA's Administrator, Mr. Craig Phillips, will communicate with Commission Staff concerning that item.

WECA does object to the breadth of the second condition. WECA believes that the Commission may have inadvertently overstated the condition. The condition literally reads that WECA must accept e-mail as an acceptable means of communication "for all purposes." This means that even if WECA has a contract where notices must be provided among the contracting parties by personal delivery or registered mail, e-mail now becomes a form of communication that must be accepted for such notices. This can raise significant problems regarding proof of receipt of notice for what may be very important contractual issues.

David Danner  
February 19, 2010  
Page 2 of 2

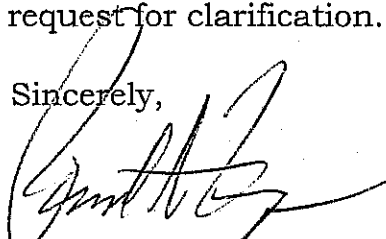
Further, the language literally would require WECA to waive its rights in every instance on service of process and accept service of process by e-mail. That is again a difficult position for proof of service issues.

WECA has used e-mail communication in its docket process for many years and is quite willing to recognize e-mail communication in most settings as an acceptable form of communication. In fact, that is what WECA does. However, where communication must be more formal because of service of process requirements or contractual terms, WECA believes that the Commission may have inadvertently placed WECA in an awkward position.

Therefore, WECA respectfully requests that the second condition be restated to state: "WECA must accept e-mail as equivalent to other approved forms of communication for all purposes in docket matters and routine business communication, but e-mail communication is not meant to replace more formal forms of communication which may be required under contract, court rules or other settings where more formal forms of communication are appropriate."

Thank you for your attention to this request for clarification.

Sincerely,



RICHARD A. FINNIGAN

RAF/km

cc: Board Members (via e-mail)  
Tim Zawislak (via e-mail)