

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

)	
In the Matter of)	DOCKET NOS. UT-031459 and
)	UT-031626 (consolidated)
COMCAST PHONE OF)	
WASHINGTON, LLC)	
)	ORDER NO. 05
Application for Mitigation of)	
Penalties or for Stay)	
.....)	
In the Matter of)	
)	
COMCAST PHONE OF)	ORDER GRANTING PETITION FOR
WASHINGTON, LLC)	ALTERNATIVE MEASURES;
)	ACCEPTING FILING; DIRECTING
Petition for an Interpretive and)	REVIEW
Policy Statement or Declaratory)	
Ruling)	
.....)	

1 **Synopsis:** *This Order grants Comcast’s petition to allow it alternative means of reporting service quality performance, effects the mitigation of a penalty imposed on Comcast, directs Comcast to begin reporting consistent with the proposal in its Petition no later than July 30, 2004, and directs Staff to verify that the reports are consistent with the petition as a final step before closure of this docket.*

2 **PROCEEDINGS:** This matter involves a dispute about the applicability of one of the Commission’s service quality rules, WAC 480-120-439,¹ to a competitive local exchange carrier. The Commission determined that the service quality rule did apply to Comcast, but that Comcast should have the opportunity to propose

¹ WAC 480-120-439 establishes record-keeping and reporting requirements related to service quality standards that are set forth in various sections of chapter 480-120 WAC.

alternative measurements of its services as to matters whose measures under existing rules appear inappropriate to Comcast's operations.

- 3 The Commission entered orders in these consolidated dockets that denied Comcast's petition for an interpretive and policy statement or declaratory order, denied its petition for exemption from Commission rules, and granted its petition for full mitigation of a \$1,000 penalty on condition that Comcast file within 30 days following the final order a proposal for equivalent measurement satisfying concerns that were raised by Commission Staff.
- 4 Comcast did file on April 16, 2004 a proposal for alternative measurements. The Commission Staff Counsel responded to that filing with a letter dated June 10, 2004, as follows:

The Commission Staff concurs with Comcast Phone's proposal for alternative reporting pursuant to WAC 480-120-439. Staff's agreement is conditioned, however, on the understanding that the reports Comcast Phone submits will conform substantively to their description set forth in Comcast Phone's Petition for Alternative Reporting Measurements. The Commission should require Comcast Phone to file its first reports no later than July 30, 2004.

No objections were voiced to the proposal.

- 5 The Commission finds that the filing satisfies the requirement of the order, and the penalty should be mitigated in full because the condition imposed in the order has been performed.

- 6 The Commission should direct Comcast to file reports, as described in the letter from Staff Counsel, no later than July 30, 2004.
- 7 The Commission further finds that it should direct Commission Staff to review the reports thus filed to determine whether they do conform substantively to the description set forth in Comcast Phone's Petition for Alternative Reporting Measurements, and to report the results of its review to the Commission as a letter in this docket.
- 8 The Commission retains jurisdiction over this matter to effectuate the provisions of this and prior orders in this docket.

ORDER

THE COMMISSION ORDERS THAT:

- 9 (1) Comcast's filing of April 16, 2004 satisfies the requirement of the Commission's final order, and the penalty should be mitigated in full.
- 10 (2) No later than July 30, 2004, Comcast must file reports as required by WAC 480-120-439, consistent with the proposal in its Petition of April 4, 2004 and as described in the June 10, 2004 letter from Staff Counsel.
- 11 (3) Commission Staff is directed to review the reports thus filed to determine whether they do conform substantively to the description set forth in Comcast Phone's Petition for Alternative Reporting Measurements. Commission Staff must report the results of its review to the Commission by a filing in this docket.

- 12 (4) The Commission retains jurisdiction over this matter to effectuate the provisions of this and prior orders in this docket.

DATED at Olympia, Washington and effective this 8th day of July, 2004

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.