

Gregory M. Romano
General Counsel - Northwest Region



1800 41st St., WA0105GC
Everett, WA 98201

Phone 425 261-5460
Fax 425 252-4913
Gregory.M.Romano@verizon.com

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VIA ELECTRONIC FILING

David Danner, Executive Director & Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504

Re: Docket No. UT-060856

Dear Mr. Danner:

Please accept this letter as comments of Verizon Northwest Inc. ("Verizon") in response to the Notice of Intent to Dismiss Petition and Notice of Opportunity to Comment issued in the above-referenced docket on August 26, 2008 ("Notice").

The Commission's intent to dismiss the ACLU's petition as set forth in the Notice is appropriate. As recognized by the Notice, newly enacted § 803 of the Foreign Intelligence Surveillance Act ("FISA") unambiguously forecloses any investigation by a state agency into allegations that Verizon provided assistance to the National Security Agency ("NSA"), the subject of the petition that launched this docket. Section 803 preempts any "investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community." 50 U.S.C. § 1885b(a)(1). The term "assistance" includes "the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication)." *Id.* § 1885(1). "The term 'intelligence community' has the meaning given the term in section 401a(4) of this title," *id.* § 1885(7), which provides that the term includes the NSA, *see id.* § 401a(4)(C).

In light of these provisions, the Notice concludes correctly that "the pending issues have now been resolved through a change in federal law." Accordingly, the investigation contemplated in the docket— which had been deferred "pending resolution of federal issues" — may not be conducted and the docket should now be closed.

Thank you for the opportunity to comment on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg M. Romano".

Gregory M. Romano

GMR:pl