

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

Rules relating to Commission) )  
General – Tariffs; chapter ) **UT-991301**  
480-80 WAC )

**COMMENTS OF SPRINT COMMUNICATIONS COMPANY, L.P.**

Pursuant to the October 3, 2000 Notice, Sprint Communications Company, L.P. (“Sprint”) submits these comments regarding the proposed price list and contract rules in Attachment B to the Notice, and further proposes an addition to the current tariff rules.

**Proposed Price List and Contract Rules**

Legitimate reasons underlie the disparate treatment of ILECs and CLECs with regard to tariff and price list filings. The Washington Administrative Code and the Revised Code of Washington make ample exceptions for “competitive companies” in many instances, and generally recognize that treating CLECs differently than ILECs provides a benefit to the general public. For instance, RCW 80.36.320(d)(2) states that competitive telecommunications companies shall be subject to minimal regulation.

Disparate regulatory treatment is warranted in light of the CLECs’ lack of market power. New entrants do not have a captive customer base or the ability to control prices. Customers who do not like the service or price that is offered by a CLEC are free to purchase services from the incumbent provider, or another CLEC. Because CLECs are not dominant carriers, they should not be subject to requirements that were designed to protect the public from monopolistic behavior.

Moreover, it is good public policy to minimize market entry barriers for new entrants in order to encourage competition. The “lighter” regulation of these competitive entities is one of

the factors that can partially mitigate the disadvantages CLECs face in competing against virtual monopolies. Accordingly any filing requirement, other than the statutory obligation to file a price list, should be eliminated for CLECs.

Likewise, CLECs should not be required to establish a web site and publish their price lists on the site. Given the popularity of e-commerce, most if not all CLECs are likely to create web sites that allow customers to shop online. CLECs should have the freedom, however, to publish their services and prices as they deem appropriate. For instance, a CLEC offering services that are uniquely configured for a particular customer's needs may prefer to refer it's web users to a customer service number because price could vary according to many factors. By referring the customer to a customer service rep, the CLEC may better ensure that the customer will not be misled or hopelessly confused about the price for the product. Additionally, creating a rule that requires CLECs to establish a web site before they can begin offering service creates one more market barrier for CLECs and will discourage competition.

### **Proposed Addition to the Current Tariff Rules**

While regulation of dominant providers is necessary to protect the public interest, such providers should not be hindered in their ability to respond to competition in a timely fashion. Sprint, therefore, believes that a shorter time frame for promotional filings should be established. Competitively classified companies can develop a marketing idea today and implement it on ten-day notice. However, the fastest response an ILEC can reasonably hope to achieve under the present rules is thirty days, unless the service has been declared competitive—a process which can take ten months.

Sprint therefore proposes the following new rule:

#### **WAC 480-80-XXX**

A tariff that decreases any rate, charge, rental, or toll as promotional activity for no more than sixty days may be filed by a telecommunications company with ten days' notice to the Commission and, if not rejected, implemented at the end of the ten days without receiving a special order from the Commission when the filing does not contain an offsetting increase to another rate, charge, rental, or

toll and the filing company agrees not to file for an increase to any rate, charge, rental or toll to recover the revenue deficit that results from the decrease for a period a one year. A tariff decrease that results in a rate that is contrary to Commission rule or order shall be rejected for filing and returned to the company.

Given that there are an increasing number of virtually identical—or certainly conceptually identical—promotional filings every week from the regulated companies, Sprint believes that this rule would go far toward not only lessening the ILECs' competitive disadvantage but also in reducing the workloads of both the companies and the Commission.

Respectfully submitted this 23<sup>rd</sup> day of October, 2000, by

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State Executive – Oregon and Washington