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Via E-Mail and U.S. Mail

July 11, 2003

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: Docket No. A-010648
Rulemaking: Chapter 480-09 WAC – Procedure

Qwest Corporation ("Qwest") hereby submits its written comments on the proposed WAC 480-07. Qwest thanks the Commission for addressing many of the concerns raised by Qwest and other stakeholders at the June 9, 2003 workshop. Qwest believes that the draft rules could be improved in the following respects.

Harmonizing response timeframes for record requisitions and bench requests. As drafted, proposed WAC 480-07-400(1)(c)(iv) requires parties responding to record requisitions to serve responses within 10 days *after the close of the hearing phase in which the request was made.* In responding to bench requests under proposed WAC 480-07-405(7)(c), however, parties are given a total of 10 days *from the time the request is made.* Qwest would suggest that, in order to avoid confusion, the same timeframe be used for both types of requests. Given how busy parties generally are during the course of a Commission hearing, Qwest suggests that the 480-07-405(7)(a) standard be used in both cases, and that parties be given 10 days from the end of the close of the hearing to respond.

Defining "highly confidential" information. Qwest appreciates the Commission incorporating the occasional need for highly confidential treatment of documents into the procedural rules via proposed WAC 480-07-423. Qwest's concern with the current draft relates to the manner in which the highly confidential designation is defined under subsection (1)(b). As many stakeholders commented during the June 9 workshop, attempting to provide a narrow definition on the concept of "highly confidential" is difficult and potentially counterproductive. Qwest believes factors other than that "dissemination imposes a highly significant risk of competitive harm" should be considered, but that an

exhaustive list would not be appropriate. For instance, Qwest suggests other relevant factors include:

(1) Whether the information contained in the document might subject any reader to the status of an "insider" within the meaning of Section 10(b) of the Securities Exchange Act of 1934.

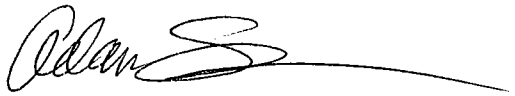
(2) Whether the party producing the document is under a contractual or other binding obligation to hold the information on a confidential/highly-confidential basis, and whether the party can disclose the document without breaching its contractual or other binding obligation.

(3) Whether the document has been identified or labeled by its custodian or creator as highly sensitive, highly confidential or something similar.

(4) Whether the administration of the case would be better served by limited distribution/use of the document(s) rather than by the document being unavailable altogether.

Qwest suggests that the definition of the "highly confidential" designation in WAC 480-07-423(1)(b) be made non-exhaustive. This could be accomplished by amending the first sentence to read: "The 'highly confidential' designation is reserved for information the dissemination of which, for example, imposes a highly significant risk of competitive harm to the disclosing party without enhanced protections provided in the commission's protective order." Alternatively, the Commission might want to consider providing a non-exclusive list of factors including those above in addition to the standard currently described in the draft rule.

Sincerely,



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