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

Re: Eligible Telecommunications Carriers (ETC) Rulemaking - WAC 480-120-311(2),
Docket No. UT-053021
Qwest Corporation Response to SBEIS Questionnaire

Dear Ms. Washburn:

Qwest Corporation ("Qwest") provides these comments in response to the Commission's October 27, 2005 Notice of Opportunity to Respond to Small Business Economic Impact Statement (SBEIS) Questionnaire as it pertains to the draft of proposed revisions to WAC 480-120-399(2) that the Commission distributed for comment on October 21, 2005 in this docket.

Introduction and History

In its initial and reply comments of June 1, 2005 and November 14, 2005, respectively, Qwest addressed the Federal Communication Commission's (FCC) proposed requirements for ETC designation in their recent order, and responded to the Commission's draft of proposed revisions to WAC 480-120-399(2).¹ Qwest's main concerns with the FCC's proposed requirements were that certain of the requirements were not specifically focused on the purpose for such requirements (i.e., to make sure that federal USF support is used for the intended purposes), while other proposed requirements unnecessarily duplicated existing requirements in state or federal law. In regard to the rule revisions, Qwest expressed its concerns that the proposed rules result in duplicative reporting and, in some cases, are not designed to achieve the

¹ *In the Matter of Federal-State Joint Board on Universal Service*, released March 17, 2005, in CC Docket No. 96-45, FCC Release No. FCC 05-46 (the "ETC Order")

most efficient use of resources. Qwest's main concern continues to be that the information requested of an ETC tracks with the support received by that ETC. Some of the proposed rule revisions require that every ETC that receives federal support from *any* category in the federal high-cost fund must certify or report as described in the rules (emphasis added). As Qwest explained in its initial and reply comments, although it does participate in the federal Lifeline and Link-Up Programs and receives interstate access support, it does not receive any of the intrastate federal high cost USF support that the FCC's ETC order was addressing, and would not expect to receive any such support for services provided in Washington given the current USF funding guidelines. Consequently, Qwest does not believe it should be required to provide reports and certifications that have no bearing on the Lifeline and Link-Up support that it receives – i.e., the report on use of federal funds and benefits to customers; the service outage report; the report on failure to provide service; the report on complaints per 1,000 handsets or lines; the certification of compliance with applicable service quality standards; and the certification of ability to function in emergency situations.

SBEIS Questionnaire

In response to the main question posed by the SBEIS Questionnaire, Qwest believes that compliance with the draft rules, as currently stated, would result in more than minor costs for Qwest and other telecommunications companies that would be required to file reports as ETCs in Washington. Although Qwest has not conducted a detailed cost analysis, the following new reporting requirements contained in draft rules WAC 480-123-0020/0060/0070 would most certainly result in incremental cost expenditures over and above what is required to comply with WAC 480-120-399(2).

New activities required by WAC 480-123-0020/0060/0070 that result in incremental cost:

- a substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditure will benefit customers;
- a general description, including a map in .shp format, of the area where the carrier has customers, plant and equipment, and, for wireless carriers, provides commercial mobile radio service – for Qwest, this would require the development of network maps in a new format for approximately 112 wire centers;
- information that demonstrates that [ETC] will comply with the applicable consumer protection and service quality standard of Chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as released Sept. 9, 2003 – As Verizon indicated its 11/14/05 Comments in this docket, “. . . [I]t is virtually impossible to determine what specific rules in Chapter 480-120 constitute “applicable consumer protection” rules. This WAC chapter contains nearly 100 sections, many of which have numerous subparts.” Consequently it is difficult to determine the extent

of the tracking and report activities that need to take place to comply with this portion of the proposed rules;

- new reports required by WAC 480-123-0060 – Report on use of federal funds and benefits to customer, Service outage report, Report on failure to provide service, and Report on complaints per 1,000 handsets or lines – Qwest does not currently track and report the required information in the format required and would need to develop tracking and report systems to do so;
- advertising certification; safe harbor, including advertisement on Indian reservations – some of the costs of the requirements enumerated in this part of the proposed rules were estimated by WITA in its 11/14/05 comments – Qwest estimates that its costs to comply with the proposed requirements will be higher than the WITA estimates based on the relatively larger size of its service area.

Conclusion

Qwest appreciates the opportunity to comment on the cost to comply with the draft rules. Although Qwest cannot provide detailed cost estimates for the activities associated with complying with the proposed rules, it estimates that the costs will be significant based on the incremental activities enumerated above.

Sincerely,

Mark Reynolds