

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the )  
 ) Docket No. UT-990873  
  
Telecommunications Act Fee Rulemaking )  
 ) AT&T'S COMMENTS  
\_\_\_\_\_ )

Pursuant to the Commission's Notice of Opportunity to File Written Comments, AT&T Communications of the Pacific Northwest, Inc. ("AT&T") provides the following comments on the need for the Washington Utilities and Transportation Commission ("Commission") to adopt rules identifying and setting fees for Commission arbitrations, mediations, and other actions related to the Telecommunications Act of 1996 ("the Act").

Pursuant to RCW 80.36.610, the Commission is authorized to establish fees to be paid by persons seeking Commission action under the Act. It is absolutely essential to the development of competition in Washington that the Commission insure and mandate carrier compliance with the requirements of the Act. The Commission's activities related to enforcement of the Act, as set forth in its notice in this matter, have historically and will most likely continue in the near future to consume Commission resources and impose expenses upon the Commission.

If the Commission determines that it is now necessary to adopt fees under the statute, it should take due care to assure that the fee structure does not create an economic barrier for Competitive Local Exchange Carrier ("CLEC") entry into the Washington telecommunications market. One way to insure this is to provide that fees will not be borne only by the parties or participants in matters which may result in a benefit to all telecommunications companies in Washington. For example, charging fees simply to

participate in an interconnection arbitration, which would be assessed in addition to the costs incurred by the participants in presenting their cases, is an unjust burden given that companies that did not participate can merely adopt the resulting interconnection agreement. The same is true for participants in proceedings relating to issues stemming from the Act such as collocation, OSS, performance standards, etc. Carriers that do not participate in such proceedings still benefit from the Commission's determinations. All registered telecommunications companies in the state of Washington, incumbents as well as new entrants, stand to gain from the Commission's activities relating to the Act.

Finally, it is critical to the development of competition in the state of Washington that the Commission not impose a fee structure that discourages CLECs from seeking Commission intervention when problems arise with performance by an Incumbent Local Exchange Carrier ("ILEC"). In the early stages of developing competition, CLECs will be, to a large extent, dependent upon the facilities and services provided by the ILECs in Washington. Without the assurance of timely and quality provisioning and service by the ILEC, and compliance with approved interconnection agreements and good-faith negotiations, the CLECs will be unable to provide a meaningful competitive alternative in Washington. Further, because the ILECs' primary motivation is often not to assist their potential competitors, it is crucial that access to the Commission for dispute and issue resolution remain open and viable.

Therefore, AT&T proposes that, if the Commission determines that such fees are necessary at all, all registered telecommunications companies should be assessed equally.

AT&T appreciates the opportunity to submit these initial comments, and looks forward to working with the Commission and other interested parties to address the resources needed for the Commission to insure carrier compliance with the Act

Dated the 10<sup>th</sup> day of August, 1999.

AT&T COMMUNICATIONS  
OF THE PACIFIC NORTHWEST, INC.

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