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October 5, 2001

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

Attention: Tom Wilson
Re: Docket No. UT-010558 Cessation of Certain Telecommunications Services

Dear Ms. Washburn:

Following are Qwest Corporation's ("Qwest") comments pursuant to the Commission's September 5, 2001 - Notice of Opportunity to Submit Written Comments on Proposed Rules in the above referenced docket. Qwest's comments can be summarized as follows:

- A request to narrow the application of this rule to only exiting telecommunications companies and to only those services that are required by customers to provide "voice access" to the public switched network;
- A request to modify the exception at (1)(c) for cessation of service when the service is replaced with comparable service and to move this requirement to WAC 480-120-X15 in Docket No. UT-991301;
- A request to eliminate the oral notice requirement at the beginning of each call at (4)(a);
- A request to restrict all providers who receive such notice from using the information received to initiate marketing efforts; and
- A request to exclude the requirement to provide unnecessary "supplier" information to a subsequent provider.

If you have any questions concerning these proposed changes, please call me at 206-345-4726.

Very truly yours,

Theresa Jensen

Attachment

Comments of Qwest Corporation in Docket No. UT-010558
Cessation of Certain Telecommunications Services
October 5, 2001

Qwest appreciates the careful consideration of the proposed rule language by this Commission. General Order No. R-490 states that the purpose of this rule is to preserve access to emergency services by preserving telecommunications access to emergency services through the state's 911 program. However, the proposed rule goes beyond this stated purpose when it includes a notice requirement for reduction in service. It is not clear what is intended by this reference; for example, reduction in service could be interpreted as a decline in service demand, a reduction in the service area (or markets) served, discontinuance of a service, etc. The proposed rule should be further clarified so that it is clear when the notice obligation requirements are applicable.

In the following comments, Qwest respectfully requests that the proposed rule apply only to companies exiting the market, and that rule provisions apply equally to all providers. Specifically all providers should be restricted from using the information received to initiate marketing efforts. Qwest also requests the rules concerning the reduction of service, when the telecommunications company is not ceasing business, be moved to the proposed customer notice rules in Docket No. UT-991301 at WAC 480-120-X15. Qwest also requests the oral notice obligation at (4)(a) be modified. Finally, Qwest asks that the requirement to share information with subsequent providers at subsection (5)(a) and (6) be omitted as it is unnecessary and has no value.

1. The proposed rule has been modified to apply to all telecommunications companies who cease, or reduce any telecommunications service; this change broadens the rule inappropriately.

The proposed rule states the following:

- (1) This rule applies to telecommunications companies who cease, or reduce any telecommunications service.
- (2) No telecommunications company may cease , or reduce telecommunications services unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

The current rule applies only to the cessation of local exchange service, private branch exchange service, Centrex service and private line service. Qwest finds the above revisions significant and believes this change may require re-notice under the CR-101 rules. The proposed rule now requires notice for the reduction of any telecommunications service; not just those services discontinued by a telecommunications carrier. A reduction in service has a far broader interpretation. Perhaps the Commission did not intend for the application of the rule to go beyond the discontinuance of a service offering, however the proposed language does just that by the use of the phrase "reduce any telecommunications service".

If the Commission intended to address the discontinuance of a service previously offered as part of the price list¹ of a telecommunications company, the rule should be modified as follows:

- (1) This rule applies to telecommunications companies who cease to offer any telecommunications service previously available under price list.
- (2) No telecommunications company may cease to provide a telecommunications service unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

However, Qwest respectfully requests this rule be limited to only those situations where a telecommunications carrier exits the market. Rules concerning the discontinuance of a specific price listed service should be addressed in the price list rules. The Commission has a proposed rule that addresses price list customer notice requirements. Proposed WAC 480-120-X15, in Docket No. UT-991301, addresses customer notice requirements for competitively classified telecommunications companies or services. The appropriate place to address customer notice of discontinued service, when a carrier does not exit the market, is within these notice rules.

The notice obligations addressed in these rules should be limited to those situations where a customer may be left without local exchange or comparable service necessary to reach the public switched network. The state 911 program or an incumbent local exchange company does not need to be notified when a carrier chooses to withdraw a discretionary service from the market, particularly a competitively classified service, while remaining a telecommunications provider in the market. However, the proposed rules would require such. The application of this rule should continue to apply only to exiting carriers and only to the original "covered services".

2. Section (1)(c) exempts the application of the rule for cessation of service when the service is replaced with comparable service from the same provider. This proposed language should be modified and moved to Docket No. UT-991301 - WAC 480-120-X15.

The proposed rule requires application of the rule notice requirements when a service is discontinued and not replaced with comparable service by the same provider. Subsection (1)(c) exempts notice requirements contained in this rule under the following condition:

- (1)(c) Cessation of a service when the provider replaces the terminated service with comparable service and without interruption.

The proposed language at (1)(c) is not qualified in any fashion and is too restrictive in that it is limited to the same provider. If the customer selects comparable service from the same provider no notice is required but if the customer replaces the discontinued service with another provider's service, notice is required. In addition, there are instances when

¹ The rule clearly doesn't apply to the discontinuance of tariffed services - see (1)(a).

companies cease providing a service for which there are no subscribers. The rule appears to require notice under either of these examples. It is unlikely that the 911 state program or suppliers need notice for this type of activity. Qwest respectfully suggests that the proposed rule language concerning the discontinuance of a specific price list service be moved to the proposed price list rules in Docket No. UT-991301, WAC 480-120-X15, subsection (1)(a) and added as (a)(iv) as follows:

(iv) Discontinue a specific service and there are existing customers of the service.

The price list rules could also reference this rule for notice requirements for discontinued service when a carrier also exits the market.

3. Proposed rule subsection (4)(a) should be omitted.

Subsection (4)(a) states the following:

(a) beginning at least fifteen days before cessation of voice service, the exiting telecommunications company must provide oral notice of cessation of service at the beginning of each call originated in Washington, including the date of cessation of service and a number to call for more information; and

Qwest respectfully suggests that this requirement may not be desired by existing customers. A direct call to the customer, that includes the above information, would be less intrusive. Should the commission proceed with such a requirement, Qwest requests that it be limited to those situations where a carrier is exiting the market. Such a requirement would be inappropriate for "reduced" service, especially when such a service is not an essential service.

4. Proposed rule (5)(b) should apply to all providers who receive notice under this rule provision not just ILECs, and should be added to subsection (6).

Subsection (5)(b) states the following:

ILECs may not use the information in the notice(s) required in this subsection to initiate marketing efforts.

Qwest respectfully suggests that all suppliers who receive notice from exiting carriers should be restricted from using the information received to initiate marketing efforts. Therefore this requirement should also be included in subsection (6) of the proposed rule. The proposed rule prohibits incumbent local exchange companies from using such information to market to customers but allows suppliers, who are competitively classified companies, to do so. Clearly this is disparate treatment. No company should be allowed to use this information to initiate marketing efforts.

Qwest proposes the following addition to subsection (6):

(d) Suppliers may not use the information in the notice(s) required in this subsection to initiate marketing efforts.

5. The proposed rule should be modified to exclude subsection (5)(a) and the last sentence in subsection (6).

Subsection (5)(a) states the following:

ILECs shall provide the information in the notice(s) required in this subsection to the subsequent provider upon a request authorized by the customer.

The last sentence in proposed subsection (6) states the following:

Telecommunications companies that are suppliers, pursuant to this subsection, shall provide the information in the required notice(s) to the subsequent provider upon a request authorized by the customer.

These requirements should be eliminated. If the subsequent provider wishes to provide service to the customer utilizing UNEs or resold service previously purchased by the telecommunications company ceasing service, and the telecommunications company ceasing service has noticed the supplier in accordance with the proposed rule, the new (subsequent) provider will not need the supplier information. They will simply need to provide the customer's telephone number and/or the previous provider's circuit identification number and the services they wish to retain on behalf of the customer who has authorized such. If the telecommunications company ceasing service has notified the supplier in accordance with these rules, then the supplier can transfer the UNEs or resold service to the new (subsequent) provider based on the information provided by the telecommunications company ceasing business.

The new provider does not need the underlying carrier's (the supplier's) information to serve the customer; the new provider needs the customer specific information of the telecommunications company ceasing business. This proposed obligation creates an added burden for the underlying "supplier" in that the supplier may or may not have a role in the continued provision of service to the end user and such information will not provide any useful information to the new provider. The new provider can obtain the necessary information directly from the customer, which will generally be the telephone or circuit identification number. If the new provider chooses to continue using the services of the underlying provider (the supplier), the subsequent provider will need to provide the supplier with the customer specific information. The supplier will be able to identify *their* UNE or resold service identification information based on this information if the company ceasing business has adhered to these proposed rules and provided the supplier with the required notice. Absent this notice, there is no value to this proposed rule language. Finally, it is highly probable the supplier will assign new circuit identification labels to such UNE or resold services to distinguish the billing for such services between the company ceasing business and the new provider. Qwest respectfully requests these proposed rule provisions be omitted.

It is also unclear why subsection (6)(b) is qualified to regulated suppliers or new providers. This appears to be an unnecessary distinction.