

April 14, 2000

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

Re: Docket Nos. UT-991922, UT-991301 and UT-990146

Attention: Fred Ottavelli

Dear Ms. Washburn:

Enclosed are an original and ten copies of U S WEST's comments in the above referenced dockets. A 3.5 diskette is enclosed and these comments were also filed electronically.

Please call me with any questions you may have at 206-345-4726.

Very truly yours,

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

Docket No. UT-990146)	
Telecommunications Companies)	
Chapter 480-120 WAC)	
)	Comments of
Docket No. UT-991301)	U S WEST
Communications, Inc.)	
Utility General - Tariffs,)	
Chapter 480-80 WAC)	
)	
Docket No. UT-991922)	
Registration, Competitive Classification, and)	
Price Lists of Telecommunications Companies)	
Chapter 480-121 WAC)	

INTRODUCTION

U S WEST Communications Inc. (U S WEST) appreciates the opportunity to comment on the discussion draft of the telecommunications rules in Chapter 480-121 Registration, Competitive Classification, and Price Lists of Telecommunications Companies, Chapter 480-80 Utility General – Tariffs and Chapter 480-120 Telecommunications Companies. U S WEST will also attend the workshop to discuss these same rules on April 18, 2000. Following are U S WEST’s comments on the proposed rule revisions and additions:

PROPOSED RULE REVISIONS AND ADDITIONS

WAC 480-121-X01 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive. (currently in WAC 480-120-0)

U S WEST opposes the addition of new language in Section (4) Burden of proof. The proposed rule includes a new standard - (e) Whether competition is sufficient to constrain price - as a measure or indication of market power. U S WEST opposes the proposed language for a number of reasons. First, the proposed standard is presently not contained within the state statute - RCW 80.36.320 - that addresses competitive classification and specifically indicators of market power. Second, this standard is not one articulated in the Commission most recent order granting competitive classification of High Capacity Circuits in Selected Geographical Locations in Docket No. UT-990022. In its Eighth Supplemental Order in Docket No. UT-990022, the Commission discusses

a number of measures of market power. The Commission found these measures adequate to establish their finding of a competitive service in selected geographic locations.

Finally, no party can demonstrate that competition is sufficient to constrain price when one provider's prices are subject to regulation and other providers' prices are subject to market regulation. The Commission should refrain from adopting proposed language that cannot be meaningfully measured until all providers are able to compete on a parity basis. In a fully competitive marketplace, the market will regulate price, which produces the result of sufficient constraint against unreasonable prices.

U S WEST does not understand why a new measure is proposed at this time and strongly urges the Commission to refrain from potentially adding new criteria that further delays the ability of incumbent local exchange carriers from competing with its competitors on a parity basis. Exclusion of this proposed language in WAC 480-121-X01 does not preclude the Commission from making a finding that competition is not sufficient to constrain price.

WAC 480-121-X05 Customer notice – petition for competitive classification of a service. (currently in WAC 480-120-0)

U S WEST recommends revision to new proposed subsection (1)(a) that requires customers to receive notice thirty days prior to the commission taking action. The proposed language is as follows:

“Each affected customer must receive at least thirty days’ notice prior to the commission taking action when a company plans to petition for competitive classification of a telecommunications service (e.g., directory service, toll).”

U S WEST respectfully requests the proposed language be amended as follows:

“Each affected customer must receive at least ~~thirty~~ ten days’ notice prior to the commission taking action ~~on when~~ a company ~~plans to~~ petition for competitive classification of a telecommunications service (e.g., directory service, toll).”

U S WEST believes thirty delays creates an unnecessary delay, and that ten days provides customers with sufficient notice to contact the Commission should they have any concerns. U S WEST’s ability to compete on a parity basis is necessary and essential if it hopes to retain customers it might otherwise lose. As long as customers have received notice ten days prior to a commission decision, they have adequate time to call or write the commission expressing any concerns they may have. U S WEST respectfully requests the rule be revised as proposed above.

WAC 480-120-X04 Reclassification of a competitive company or service. (currently in WAC 480-120-025)

U S WEST opposes the deletion of the language “and hearing” as modified in the proposed rule language. While U S WEST recognizes the Commission understands it must conduct a hearing in order to determine if reclassification of a competitive service is necessary, it does not understand why such language is proposed to be stricken here. Therefore U S WEST strongly urges the Commission to modify its proposal to continue to retain the reference to “hearing” so that all parties, particularly those less familiar with the Commission processes, understand the need for a hearing prior to such a determination. U S WEST suggests WAC 480-121-X04 be amended as follows:

“After notice and hearing, the commission may reclassify any competitive company or service if it determines that reclassification would protect the public interest. The company must demonstrate that the existing classification is proper and consistent with the public interest.”

WAC 480-121-030 Additional Information

U S WEST fails to understand the proposed change from ten days to three business days in WAC 480-121-030. U S WEST respectfully requests the Commission retain the existing ten-day interval. Companies have every incentive to provide information requested by the Commission to supplement a petition or application pending Commission approval as soon as reasonably practicable. The sooner the Company provides the information, the sooner the Commission will render a decision. However, there are instances when three days may not be practicable. Therefore the Commission should allow for a ten-day interval. U S WEST requests the existing interval be retained.

WAC 480-80-047 Access charges (moved to 480-120-X11)

U S WEST urges the Commission to refrain from modifying WAC 480-80-047 until it is clear what will happen with WAC 480-120-540. U S WEST does not oppose moving WAC 480-80-047 to WAC 480-120-X11 as an interim measure. U S WEST believes it will be appropriate to revisit 480-120-X11, once the Thurston County Superior Court has arrived at its decision in Cause No. 98 2 02413 2. There are clearly a number of requirements in WAC 480-80-047 that need to be updated to reflect recent changes in the telecommunications environment in Washington.

WAC 480-80-048 Collective consideration of Washington intrastate rate, tariff, or service proposals. (moved to 480-120-X12)

U S WEST urges the Commission to refrain from modifying WAC 480-80-048 until it is clear what will happen with WAC 480-120-540. U S WEST does not oppose moving WAC 480-80-048 to WAC 480-120-X12 as an interim measure. U S WEST believes it will be appropriate to revisit 480-120-X12, once the Thurston County Superior Court has arrived at its decision in Cause No. 98 2 02413 2. There are clearly a number of requirements in WAC 480-80-048 that need to be updated to reflect recent changes in the telecommunications environment in Washington.

U S WEST appreciates the opportunity to provide comments to the Commission on these issues. Please contact Theresa Jensen at 206-345-4726 if you have any questions about these comments.