



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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October 20, 2010

Ken Mason  
Vice President, Government and Regulatory Affairs  
Frontier Communications Northwest, Inc.  
180 South Clinton Avenue, 5<sup>th</sup> Floor  
Rochester, NY 14646

RE: *In the Matter of the Joint Application of Verizon Communications, Inc., and Frontier Communications Corp. for an Order Declining to assert Jurisdiction Over, or, in the Alternative, Approving the Indirect Transfer of Control of Verizon Northwest, Inc.* Docket UT-090842

Dear Mr. Mason:

As a new telecommunications company operating in the state of Washington, I am certain that Frontier Communications Northwest, Inc., (Frontier) is aware of its responsibility to comply with all applicable statutes, rules, and Commission orders. I am also confident that Frontier understands the importance of developing a positive and productive working relationship with the Commission and its regulatory staff. Frontier's recent filings and interactions with staff in this case, however, fail to meet regulatory requirements and do not reflect the high level of professional cooperation we typically experience when working informally with the companies we regulate.

We bring these matters to your attention in an effort to establish via informal means a more positive and productive working relationship. If our effort fails for some reason, it will become necessary for the Commission to undertake more formal actions regarding these filings. Our specific concerns with recent filings, or the lack thereof, are as follows:

- (1) *Broadband Deployment.* In Order 06, Final Order, the Commission authorized Frontier's acquisition of Verizon NW according to the terms of the joint



multipart settlement agreements approved and adopted by the Commission. Condition 17 of the settlement between Frontier, Verizon, and Staff requires Frontier to file an initial plan for broadband deployment within 90 days of the transaction closing date, or by September 30, 2010. Frontier has not complied with this condition, to date. In order for a document to be deemed "filed", it must meet all the requirements of WAC 480-07-883. The defects in Frontier's filing include:

- a. Supplemental information.* Additional information and modifications are needed in order for staff to review the plan and recommend Commission acceptance. The Company needs to contact the Staff and make arrangements to discuss the specific supplemental information and modifications that are needed for the plan to be compliant with the Commission's order.
- b. Certificate of Service.* On September 29, 2010, Frontier filed an "initial broadband plan" without serving the other parties to this proceeding as required by WAC 480-07-883(1)(a) and (2). On October 13, 2010, Frontier filed a Certificate of Service. The Certificate of Service is defective as follows:
  - i. The cover letter is addressed "[T]o whom it may concern." According to WAC 480-07-145(2)(c), all communications to the Commission must be addressed to the Commission Secretary. Accordingly, the document should be addressed to Dave Danner, Executive Director and Secretary.
  - ii. The cover letter states that the filing is being made at the "request of Staff." Frontier should not view this filing as being required by a request of Staff; the filing is required by Commission Order and Commission rule.
  - iii. The cover letter requests routing of the filing to an individual member of the Commission's regulatory Staff. Cover letters should not identify specific staff members; again, filed documents are required to be directed to the Commission Secretary and are distributed according to the Commission's internal distribution procedures.

iv. The Certificate of Service erroneously includes Greg Kopta. Greg Kopta formerly represented Comcast Phone of Washington. However, on September 15, 2010, Administrative Law Judge Patricia Clark issued a Notice informing all parties that Mr. Kopta commenced employment as the Director of the Administrative Law Division of the Commission effective September 16, 2010. Given the conflict between Mr. Kopta's current and former positions, it was not appropriate to include him on the service list. Moreover, "service" on Mr. Kopta effectively means that Comcast was not served with the initial broadband plan as required by Commission rule.

- (2) *Compliance Tariff Filings.* Frontier filed seven compliance tariff filings. According to WAC 480-80-102(5)(b)(i)(D), Frontier's tariff filing must be accompanied by exchange area maps. According to WAC 480-07-883(1)(a), compliance filings must be consistent with the filing requirements of the docket. In this docket, parties are required to file both hard copy and electronic format versions of documents, including the exchange area maps.<sup>1</sup> The Commission would appreciate the electronic versions of the maps filed in ESRI.shp file format. Cover letters for these filings must be addressed to the Commission Secretary.
- (3) *Monthly Reports.* According to Order 06, Final Order Approving and Adopting Multiparty Settlements and Condition 33 of the Frontier, Verizon, and Staff Settlement, Frontier must file monthly Washington Telephone Assistance Program reports. While the Commission Staff will closely monitor these reports for both form and substance, and will communicate with the Company if issues arise, it has not been the Commission's custom and practice to consider these as compliance filings requiring an acceptance letter from the Commission Secretary.<sup>2</sup> The Commission Staff has some concerns with Frontier's October 1, 2010, WTAP compliance filing and will be contacting the Company shortly to address the issues in that filing. Likewise, it has not been the Commission's custom and practice to issue letters from the Commission Secretary accepting the monthly retail service quality performance reports, required by WAC 480-120-439, and which include monthly information about the customer credits

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<sup>1</sup> Order 02, *Prehearing Conference Order*, entered July 28, 2009.

<sup>2</sup> *See*, for example, Docket UT-061625.

Ken Mason  
October 20, 2010  
Page 4

associated with the SPG, as required in Condition 19. Again, the Commission Staff will closely monitor these reports and will communicate with Frontier as issues arise. The cover letters for these filings must be addressed to the Commission Secretary.

The Commission Staff is willing to meet with Frontier and to provide guidance to responsible Company personnel concerning the Commission's filing requirements and other procedural rules. However, it is important for Frontier to understand that the obligation to comply is the Company's and that the Commission uniformly requires public service companies in Washington to comply with all applicable statutes, rules, and Commission orders.

We look forward to the opportunity to work with Frontier to resolve the aforementioned deficiencies in its recent filings. If we are unable to informally resolve these issues in a cooperative spirit and with a positive attitude, it will be necessary for us to recommend more formal action to the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'William H. Weinman', with a long horizontal flourish extending to the right.

WILLIAM H. WEINMAN  
Assistant Director Telecommunications

cc: Helen Hall  
Lin Fogg