

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of the

QWEST CORPORATION;
CENTURYTEL OF WASHINGTON;
CENTURYTEL OF INTERISLAND;
CENTURYTEL OF COWICHE; AND
UNITED TELEPHONE COMPANY OF
THE NORTHWEST

to be Competitively Classified Pursuant to
RCW 80.36.320

DOCKET UT-240029

DECLARATION OF
SEAN BENNETT

- 1 I, Sean Bennett, under penalty of perjury under the laws of the state of Washington, declare as follows:
- 2 I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
- 3 I am employed by the Washington Utilities and Transportation Commission (Commission) as an Acting Section Manager. I have been employed by the Commission since 2016, and I have worked in the telecommunications Section of the Regulatory Services Division since 2018. My responsibilities include tariff revisions, designation of Eligible Telecommunications Carriers, and universal service. The focus on universal service includes working with small Incumbent Local Exchange Companies and their broadband availability data, mapping and verifying providers meet their UTC and federal broadband buildout obligation, and collaborating with the Washington State Broadband Office on the development of the 5-year Action Plan, Digital Equity, and the deduplication process to identify areas with a definable broadband buildout obligation.
- 4 Staff is seeking to use provider data that includes the number of lines by county and by provider, and will use this protected information to help evaluate the state of competition in the telecommunications marketplace by calculating a Herfindahl-Hirschman Index (HHI), which is a commonly accepted measure of market concentration. Once the analysis is complete, Staff will publish the score publicly for each county.
- 5 In 2017, the Commission signed an agreement to gain access to confidential Form 477 subscribership data and in April, 2018 signed a memo in which it promised confidentiality for that access.¹
- 6 Staff is seeking to use this confidential voice subscribership data obtained directly from the Federal Communication Commission's Broadband Data Collection (formally Form 477)

¹ [State Regulatory Commission Access to State-Specific FCC Form 477 Data | Federal Communications Commission](#). Attachment 1 is the signed agreement. Attachment 2 is the signed memo.

process. Staff reached out to FCC Staff to seek permission to use the Form 477 data for the HHI.² In doing so, Staff offered to attempt to keep the Form 477 data confidential so that the ILECs could not access their competitors' data through obtaining a protective order. The FCC advised that it viewed that course as acceptable because it viewed Staff's submission of the data only to the Commission as consistent with the data sharing agreement, which restricted access to the Form 477 data to the Commission's employees.

- 7 The provider name, technology type, number of access lines (or equivalent) by county and for the state should be restricted as it is sensitive market information. and in the case of the Form 477 subscribership data, the Commission is legally obligated not to disclose the source data .

DATED at Tumwater, WA, and effective this 21st day of March, 2024.

/s/ Sean Bennett
SEAN BENNETT

² The FCC agrees to the use of a public-facing summary on the condition the scores are capped at 3,000 and Staff uses the county as the geography. Showing higher scores and a more granular geography would allow an entity to reverse engineer the source data.