

**SUMMARY OF COMMENTS**  
**October 23, 2000**  
**Utilities General - Tariffs**  
*(Proposed Title Change - Utilities General - Tariffs, Price Lists, and Contracts)*  
**Chapter 480-80 WAC**

October 31, 2000

<b>Chapter 480-80 WAC Comments</b>			
<b>WAC/Issue</b>	<b>Interested Person</b>	<b>Comment</b>	<b>Staff Response</b>
General Comments.	Avista (10/23/00)  PSE (10/23/00)	<p>Customer notification should be included in the tariff rules. In UE-9090473 and UG-990294, staff has proposed that customer notification be shown in the electric and natural gas rules. Avista believes that customer notification for tariffs should remain in 480-80.</p> <p>Rather than moving the rule that addresses customer notification of proposed tariff revisions from this chapter that addresses tariffs to the individual operations rules, it is more reasonable for that rule to remain with the other rules that pertain to tariffs and customer notice. If Staff desires to keep the customer notification rules as consistent as possible across industries, it is more reasonable to consider revisions to the rule on noticing for proposed tariff revisions in this proceeding, where affected utilities across all the industries can discuss Staff's proposals. Perhaps parties from the various industries can come together around a consensus proposal that advances the public interest in relation to the existing rules within the boundaries of the Commission's legislative authority.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
General Comments.	Verizon (10/27/00)	<p>With the exception of -125, a complete revamping of the rules regarding the posting of tariffs at company business offices should be done. Incorporate into one rule a rule designed to require utilities to find reasonable current means of notifying their customers about the terms, conditions and rates of providing service. Few, if any, customers seek out tariffs from any source other than Verizon's Northwest Regional headquarters. This spares customers the arduous process of trying to locate pertinent tariffs to deal with his or her particular concern. Verizon would advocate an approach that would direct consumers to its website, which would have current posted tariff information. At this time, the most effective means of providing the type of information contained in tariffs is over the internet, which is made increasingly available to all customers. The notice concerns can be distilled into one rule and can recognize that the most suitable current means of providing notice to the public of tariffs would be electronically. -080, -090, -100, -110, -130, -250, -280, -290 can be looked at as requiring revision or deletion to recognize the best practical means of providing customers with access to tariff information via the internet.</p> <p>Verizon favors incorporating all technical rules into one rule. Consideration should be given to updating these rules to recognize and maximize the use of electronic filing and storage capabilities.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-030 Definitions.</b>			
General Comments.	Verizon (10/27/00)	-030 does not contain critical new terms, such as “price list,” “actual price list,” “maximum price list,” and “file and use.” It is unclear what provision of existing WAC 480-80 apply to price lists at all. Companies seeking registration and competitive classification from the Commission must file an initial price list. However, it is not clear that many of the technical provision (480-80-140 through 230) would apply to the preparation of a filing of price lists. 480-80 overall should be updated to reflect the increasing use of price lists. (For instance, -240(2)(d) provides that “initial tariffs not affecting regulated services may become effective on a minimal of one days notice.” How does this impact price listed services?)	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-120 Notice to the public of tariff changes.</b>			
General Comments.	PSE (10/23/00)	The heart of the current notification of proposed tariff revisions rule is to post information at payment stations and business offices; PSE's concern is that the Company only receives approximately 5% of its annual payments from these locations. This means a significant number of customers do not receive PSE's notifications. While the existing rule clearly falls within the 30-day statutory notice requirements established by RCW 80.28.060, PSE believes it is possible to use updated technology and improved approaches to increase the likelihood that customers will be aware of changes in their utility services. PSE offers a notification rule as a way of meeting the Staff's stated interests in an improved, reasonable rule that is within the Commission's statutory authority. <i>(See PSE Proposed language in 10/23/00 comments.)</i>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-240 Less than statutory notice.</b>			
Section (2) Tariffs providing (a) rates for service, etc. not previously rendered and covered by the utility's tariff, (b) revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.	Quest (10/23/00)	Staff please clarify the intent of section (2) at the workshop. Our review indicates that Qwest is free to file new services on one day's notice. If this is not the case, -240 must be revised.	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b>WAC 480-80-330</b>  <b>Telecommunications contracts.</b></p>			
<p>General Comments.</p> <p>Section (8) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide service to a school, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscouted contract service depart from the tariff. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program. The filing must include the same documentation required for approval by subsection (5) of this section. The contract shall become effective immediately upon filing with the commission, or at such later time as is specified in the contract.</p>	<p>Verizon  (10/27/00)</p>	<p>With the respect to the treatment of telco contracts, Verizon recommends that treatment of E-rate contracts be handled in the same manner as other contracts which must be filed under this rule. Differing treatment for individual case contracts increases internal administration costs and the potential for confusion. For the sake of simplicity and ease of internal administration, Verizon would revise (8) to comport with the other sections of this rule.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-370 Symbols.</b>			
<p>Symbols shall be used to indicate the purpose and effect of all tariff material submitted to the commission.</p> <p>These symbols shall appear on the right hand side of the text to which they apply and within the lined margin thereof.</p>	<p>Avista (10/23/00)</p>	<p>The notation to reflect tariff changes should be revisited. The process for notating tariffs should be replaced with a modified legislative format. As currently required, it is not compatible-or at a minimum challenging to accomplish-with word processors. The definitions of the letters seem to have some overlap and can result in some confusion. Underscoring changes in tariff revisions should be able to accomplish the goal of noting to the reader what has changed from the previous version. Strikeouts may not be necessary but could be considered for major changes. If the current letter notations are retained, Avista suggests that clearer definitions be provided.</p>	

<b>Proposed Price List and Contract Rules</b>			
<b>WAC/Issue</b>	<b>Interested Person</b>	<b>Comment</b>	<b>Staff Response</b>
General Comments.	ASCENT (10/20/00)	ASCENT believes that the Commission's proposed price list and contract rules are consistent with the Commission and State's efforts to streamline regulation for competitive entities, and should be adopted.	
	Avista (10/23/00)	Electronic filing of tariffs should be considered by the Commission. Such filings may streamline the process. Since many utilities already provide access to tariffs on the companies' web-sites, this would not require significant effort.	
	Public Counsel (10/23/00)	With the advent of the competitive classification statutes, the price listing requirement was an effort to retain some benefits for customers while allowing greater flexibility and reduced regulation for companies. In the general telco rulemaking, PC commented that the existing price listing rules should not be changed. This rulemaking raises the question in a different manner and in the context of specific draft language, asking whether the price listing rules as currently written any longer provide a useful function for consumers. If not, some amendment or modification may be appropriate. It may also be appropriate to consider what added requirements could be of value to address current consumer issues.	



WAC/Issue	Interested Person	Comment	Staff Response
General Comments.	<p data-bbox="657 207 814 272">Sprint (10/23/00)</p> <p data-bbox="657 906 814 971">WITA (10/20/00)</p>	<p data-bbox="835 207 1566 865">Disparate regulatory treatment is warranted in light of the CLECs' lack of market power. New entrants do not have a captive customer base or the ability to control prices. Customers who do not like the service or price that is offered by a CLEC are free to purchase services from the incumbent provider, or another CLEC. Because CLECs are not dominant carriers, they should not be subject to requirements that were designed to protect the public from monopolistic behavior. It is good public policy to minimize market entry barriers for new entrants in order to encourage competition. The "lighter" regulation of these competitive entities is one of the factors that can partially mitigate the disadvantages CLECs face in competing against virtual monopolies. Accordingly any filing requirement, other than the statutory obligation to file a price list, should be eliminated for CLECs.</p> <p data-bbox="835 906 1566 1198">WITA reserves comment until after the workshop scheduled 11/14/00. WITA is surprised at the proposed rules, understanding that the Commission may pursue legislation on this issue. It would appear to be a more efficient use of all parties' resources if work on this docket is delayed until it is determined whether or not legislation will be successful relating to price lists.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
General Comments	AT&T (10/23/00)	Filing price lists for all types of services offered by the company, with the actual or maximum price for the service offered, afford companies the flexibility of a maximum price for a particular service being offered. This would reduce the amount of paperwork necessary for the carriers and the Commission whenever there is a change in the price of a service. Customers will still be given actual prices and direct notice of price increases ten days before they become effective, and will not be harmed by this increased flexibility that carriers will have in preparing their price lists.	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
General Comments	Level 3 (10/20/00)	<p>The proposed rules do not address their effect on the filed rate doctrine which provides that if a carrier has an approved tariff or price list on file, the terms of the tariff control with regard to issues concerning the provision of its service and the reasonableness of its filed rates in the case of a dispute. Under the proposed rule, the Commission will not review or approve the price lists and no notice will be given to the public about the price list filing. It is unclear whether or not the filed rate doctrine will continue to apply. Level 3 is concerned about the effect the proposed rule would have on the resolution of intercarrier compensation for the provision of switched access service. We propose that the Commission explicitly retain the filed rate doctrine alongside the new proposed rules or add language to the rule to the effect that by filing the price lists with the Commission, customers are put on constructive notice of the rates, terms, and conditions of the service being offered by the carrier. Otherwise, Level 3 believes the Commission may create a legal vacuum that invites litigation by simply removing on legal doctrine without explicitly replacing it with another.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
<p>(1) Competitively classified telecommunications companies must file price lists as required by RCW 80.36.320. The price list must state:</p> <p style="padding-left: 40px;">(b) Actual or maximum price for service offered;</p>	<p>Public Counsel (10/23/00)</p> <p>Verizon (10/27/00)</p>	<p>Is it adequate for the price list to only state the maximum price, or the maximum and minimum range of price? If Chapter 80.36 requires price listing, is this compliant?</p> <p>(1) which requires competitively classified companies to file price lists, seems inconsistent with (2) which exempts such companies from RCW 80.36.130. This statute requires all telco Companies to charge the rates for services contained in published schedules - i.e., a price list. This inconsistency should be removed.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
<p>(1) Competitively classified telecommunications companies must file price lists as required by RCW 80.36.320. The price list must state:</p> <p>(c) A complete list of each service offered by geographic location;</p>	Verizon (10/27/00)	<p>The requirement for geographic locations is a new requirement that is unnecessary and does not further the goal of competition. Verizon may not be able to specify the availability of all services by geographic locations. For certain services, such as basic local exchange service, geographic location would not be a concern. It is inefficient, an administrative burden and nonsensical for Verizon to determine in advance of a customer request, just for inclusion in a price list, the locations where frame relay service may be available. Suggested qualifying language to (1)(c) such as <b><i>“if possible”</i></b> or <b><i>“where facilities are available.”</i></b></p>	
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
Section (2) All competitively classified companies are exempt from the requirements of RCW 80.36.130 unless the commission specifically orders otherwise.	Public Counsel (10/23/00)	Does the exemption from RCW 80.36.130 unduly expose customers to redlining, individual discrimination, market segmentation, deceptive advertising or other harm? Does the exemption remove a basis for Commission enforcement action against overcharging?	

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<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
Section (3) Price lists filed by competitively classified companies are accepted by the commission on a “file and use” basis. The commission will not review price list filings. Receipt of a price list by the commission does not constitute approval of the prices, terms, or conditions in that price list.	Public Counsel (10/23/00)  Verizon (10/27/00)	Does this section preclude Commission review of prices for compliance with price floor requirements? Does it remove the ‘filed rate’ doctrine as a defense available to companies?  The term “file and use” is not defined in the regulations. Verizon asks for clarification as to the meaning of this term.	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b></p>			
<p>Section (1)(d) A toll-free telephone number and web site address that customers can use to contact the company.</p> <p>Section (5) Each competitively classified company must maintain a complete and current copy of its price list on a web site accessible to the general public using commonly available web browsing software.</p>	<p>ASCENT (10/20/00)</p>	<p>The rule, as proposed, obligates service providers to create a web site or develop and upload additional information to an existing web site at additional effort and cost that is not insignificant. The company should have discretion in the use of a web site for posting rate information and allow the market to dictate the necessity of maintaining a web site. So long as consumers retain an ability to contact the contact via toll free number or otherwise, consumers will be no more disadvantaged if companies are not required by rule to maintain web sites or post rate information. Amend rule to allow for optional web site access if a web site is maintained by the company as follows:</p> <p>(1)(d) A toll-free telephone number and web site address, <b><i>if maintained by the company</i></b>, that customers can use to contact the company.”</p> <p>(5) Each competitively classified company <b><i>maintaining a website</i></b> must maintain a complete and current copy of its price list on a web site accessible to the general public using commonly available web browsing software.</p>	

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<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			





WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
Section (5) Each competitively classified company must maintain a complete and current copy of its price list on a web site accessible to the general public using commonly available web browsing software.	<p>Public Counsel (10/23/00)</p> <p>Sprint (10/23/00)</p>	<p>Is this provision adequate? Should companies be required to provide additional price information on their websites so customers can obtain accurate information as they seek to compare carriers, or verify telemarketing claims and advertising assertions?</p> <p>CLECs should not be required to establish a web site and publish their price lists on the site. Given the popularity of e-commerce, most if not all CLECs are likely to create web sites that allow customers to shop online. CLECs should have the freedom to publish their services and prices as they deem appropriate. A CLEC offering services that are uniquely configured for a particular customer's needs may prefer to refer its web users to a customer service number because price could vary according to many factors. By referring the customer to a service rep, the CLEC may better ensure that the customer will not be mislead or hopelessly confused about the price for the product. Creating a rule that requires CLECs to establish a web site before they can begin offering services creates one more market barrier for CLECs and will discourage competition.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
<p>Section (6)(a) Any competitively classified company may file a price list that states a maximum price for any or all services.</p> <p>(b) A competitively classified company stating a maximum price for any service must:</p> <p>(i) Disclose to the customer the actual price being charged for the service; and</p> <p>(ii) Give direct notice to the customer of any price increase at least ten days before it becomes effective.</p>	Public Counsel (10/23/00)	If disclosure of the actual price is required, should the rule describe what is meant by 'actual' price and when the disclosure should be made?	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b></p>			
<p>Section (6)(b) A competitively classified company stating a maximum price for any service must:</p> <p>(ii) Give direct notice to the customer of any price increase at least ten days before it becomes effective.</p>	<p>ASCENT (10/20/00)</p>	<p>Because price lists are to be accepted by the Commission on a “file and use” basis pursuant to 480-80-X01(3), price lists should become effective on one day’s notice to the commission, provided notice of price increases are provided to customers ten days before the effective date. (6)(b)(ii) should be applied only if the company’s maximum price listed rate is exceeded. Suggested language:</p> <p>(6)(b)(ii) Give direct notice to the customer of any price increase <b><i>which exceeds the maximum price for any service</i></b> at least ten days before it becomes effective.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b>WAC 480-80-X01 Price lists for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b></p>			
<p>Section (1) Competitively classified telecommunications companies must file price lists as required by RCW 80.36.320. The price list must state:</p> <p>(b) Actual or maximum price for service offered;</p> <p>(5) Each competitively classified company must maintain a complete and current copy of its price list on a web site accessible to the general public using commonly available web browsing software.</p> <p>(6)(a) Any competitively classified company may file a price list that states a maximum price for any or all services.</p> <p>(b) A competitively classified company stating a maximum price for any service must:</p> <p>(i) Disclose to the customer the actual price being charged for the service; and</p> <p>(ii) Give direct notice to the customer of any price increase at least ten days before it becomes effective.</p>	<p>Verizon (10/27/00)</p>	<p>As Verizon reads these provisions, competitively classified companies must maintain a complete and current copy of its price list on a website. A competitively classified company has the option to file a maximum price list for any service. It is unclear as to whether the competitively classified company must file an actual price list in addition to a maximum price list when it chooses a maximum price option. (6)(b)(i) requires choosing the maximum price option to “disclose to the customer” the “actual price” being charged for the service. (6)(b)(ii) also requires giving direct notice to the customer of any “price increase” at least to days before it becomes effective. Verizon reads this to modify any price increase to the actual price, rather than any price increase to the maximum price contained in the price list. Verizon would appreciate further explanation.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X02 Contracts for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
General Comments	<p>Level 3 (10/20/00)</p> <p>Verizon (10/27/00)</p>	<p>The proposed rule will be administratively less burdensome for carriers, it is pro-competitive, and will be more efficient for both carriers and the Commission.</p> <p>If Verizon's interpretation of the proposed rule is correct, Verizon fully supports the Commission's revisions which would remove the need for contracts to be filed for services provided at prices other than those contained in a price list. So long as contracts state rates below the price list maximum price, such contracts need not be filed. The proposed revision would minimize administrative burdens for companies and the Commission, while serving the interests of consumers who would be fully protected so long as their prices are less than the maximum price established by the published price list. Such an approach should also allow competitive forces to operate more effectively.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X02 Contracts for services offered by competitively classified telecommunications companies under RCW 80.36.320.</b>			
<p>Section (3) Competitively classified companies must:</p> <p>(a) Submit any contract required to be filed with the commission under this section no later than five days after it becomes effective;</p>	<p>AT&amp;T (10/23/00)</p>	<p>(3)(a) requires companies to submit any contract required to be filed with the Commission no later than five days after it becomes effective. The five-day requirement is difficult for carriers to comply with, and should be extended to 30 days after the contract becomes effective.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X03 Price lists for competitively classified telecommunications services under RCW 80.36.330.</b>			
General Comments.	<p>AT&amp;T (10/23/00)</p> <p>Quest (10/23/00)</p>	<p>Accepting price lists on a “file and use” basis, with Commission review no longer being required, eases the regulatory burdens upon the competitive carriers and the Commission that only serve to increase costs while failing to produce any benefit for consumers. Consumers are free to choose among carriers and the prices and terms they offer for their services, making review by the Commission unnecessary.</p> <p>The proposed rule language appears to reduce regulatory lag and improves an incumbent carrier’s ability to respond to the competitive market place in a timely manner for competitively classified services. Quest understands the new sections to continue to require the filing of a price list by all telco carriers, however, it appears that if the banded rate structure approach is utilized, formally filed price list revisions or contracts are no longer necessary.</p>	





WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X03 Price lists for competitively classified telecommunications services under RCW 80.36.330.</b>			
Section (2) Price lists filed by companies not competitively classified offering competitively classified services are accepted by the commission on a “file and use” basis. Receipt of a price list by the commission does not constitute approval of the prices, terms, or conditions in that price list.	Public Counsel (10/23/00)  Verizon (10/27/00)	Does this section preclude Commission review of prices for compliance with price floor requirements? Does it remove the ‘filed rate’ doctrine as a defense available to companies?  Verizon repeats its request for clarification of “file and use.” Verizon assumes that it means that the price list goes into effect automatically and does not require any formal Commission affirmation in order to become effective.	
<b>WAC 480-80-X03 Price lists for competitively classified telecommunications services under RCW 80.36.330.</b>			
Section (3) Consistent with the provisions in this section and WAC 480-80-X04, companies not competitively classified may offer and provide competitively classified services at prices, terms, and conditions other than those contained in a price list. An offer to a customer or a contract with a customer will not be considered	Public Counsel (10/23/00)	What remedies are available to consumers who are charged prices different than those advertised, agreed to, or contained in a price list? Are there any remedies available to consumers at the Commission? What enforcement action can the Commission take?	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b>WAC 480-80-X03 Price lists for competitively classified telecommunications services under RCW 80.36.330.</b></p>			
<p>Section (4) Each company not competitively classified must maintain a complete and current copy of its price list on a web site accessible to the general public using commonly available web browsing software.</p>	<p>Public Counsel (10/23/00)</p> <p>Sprint (10/23/00)</p>	<p>Is this provision adequate? Should companies be required to provide additional price information on their websites so customers can obtain accurate information as they seek to compare carriers, or verify telemarketing claims and advertising assertions?</p> <p>CLECs should not be required to establish a web site and publish their price lists on the site. Given the popularity of e-commerce, most if not all CLECs are likely to create web sites that allow customers to shop online. CLECs should have the freedom to publish their services and prices as they deem appropriate. A CLEC offering services that are uniquely configured for a particular customer's needs may prefer to refer its web users to a customer service number because price could vary according to many factors. By referring the customer to a service rep, the CLEC may better ensure that the customer will not be mislead or hopelessly confused about the price for the product. Creating a rule that requires CLECs to establish a web site before they can begin offering services creates one more market barrier for CLECs and will discourage competition.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X03 Price lists for competitively classified telecommunications services under RCW 80.36.330.</b>			
<p>Section (5) A company not competitively classified stating a maximum and minimum price for any service must:</p> <p>(a) Disclose to the customer the actual price being charged for the service; and</p> <p>(b) Give direct notice to the customer of any price increase at least ten days before it becomes effective.</p> <p>(6) The actual price or, in the case of price lists stating a maximum and minimum price, the minimum price of each competitively classified telecommunications service must cover the cost of that service.</p>	<p>Public Counsel (10/23/00)</p> <p>Verizon (10/27/00)</p>	<p>If disclosure of the actual price is required, should the rule describe what is meant by 'actual' price and when the disclosure should be made?</p> <p>-X03 requires a company not competitively classified to state a maximum and <u>minimum</u> price for any service. A competitively classified company need only state a maximum price. If the requirement for the inclusion of a minimum price in the price list is due to the Commission's concern of the potential of non-competitive service cross subsidizing competitive services, these concerns are addressed by the affiliate transaction rules in FCC 96-150. By requiring non-competitively classified companies to disclose minimum prices for competitive service, the Commission is in effect forcing one group of competitors to disclose highly proprietary pricing information which another group of competitors would not have to disclose. This would discriminate in favor of competitively classified companies. Resolve all the questions or concerns identified above by choosing to treat similar competitive services in the same regulatory manner.</p>	

WAC/Issue	Interested Person	Comment	Staff Response
<b>WAC 480-80-X04 Contracts for competitively classified telecommunications services under RCW 80.36.330.</b>			
General comments.	Quest (10/23/00)	The proposed rule language appears to reduce regulatory lag and improves an incumbent carrier's ability to respond to the competitive market place in a timely manner for competitively classified services. Quest understands the new sections to continue to require the filing of a price list by all telco carriers, however, it appears that if the banded rate structure approach is utilized, formally filed price list revisions or contracts are no longer necessary.	
<b>WAC 480-80-X04 Contracts for competitively classified telecommunications services under RCW 80.36.330.</b>			
<p>Section (2) Are not required to file contracts for service at any rate within that range, if the price list states a maximum price and a minimum price for a service.</p> <p>(3) Must be able to demonstrate, at a minimum, that the price of each competitively classified telecommunications service provided by contract covers the cost of that service.</p>	Verizon (10/27/00)	Based upon its comments with respect to -X03, Verizon would modify -X04 by deleting the minimum price requirements in (2) and (3). Contracts for competitively classified telco services should be dealt with in the same manner, irrespective of the classification of the offering company. (Verizon supports the proposal of other parties to add a new rule that would streamline the promotional tariff filing process.)	

WAC/Issue	Interested Person	Comment	Staff Response
<p><b><i>Sprint proposed rule.</i></b></p> <p><b><i>WAC 480-80-XXX</i></b></p>			
<p><i>A tariff that decreases any rate, charge, rental, or toll as promotional activity for no more than sixty days may be filed by a telecommunications company with ten days' notice to the Commission and, if not rejected, implemented at the end of the ten days without receiving a special order from the Commission when the filing does not contain an offsetting increase to another rate, charge, rental, or toll and the filing company agrees not to file for an increase to any rate, charge, rental or toll to recover the revenue deficit that results from the decrease for a period of one year. A tariff decrease that results in a rate that is contrary to Commission rule or order shall be rejected for filing and returned to the company.</i></p>	<p>Sprint (10/23/00)</p>	<p>While regulation of dominant providers is necessary to protect the public interest, such providers should not be hindered in their ability to respond to competition in a timely fashion. A shorter time frame for promotional filings should be established. Competitively classified companies can develop a marketing idea today and implement it on ten-day notice. However, the fastest response an ILEC can reasonably hope to achieve under the present rules is 30 days, unless the service has been declared competitive- a process which can take ten months. Given that there are an increasing number of virtually identical - or certainly conceptually identical - promotional filings every week from the regulated companies, Sprint believes that this rule would go far toward not only lessening the ILECs' competitive disadvantage but also in reducing the workloads of both the companies and the Commission.</p>	