



Via Electronic and Priority Delivery

January 17, 2020

Mr. Mark L. Johnson
Executive Director and Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504

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State Of WASH.
UTIL. AND TRANSP.
COMMISSION

RE: *In the Matter of the Joint Application of Northwest Fiber, LLC, Frontier Communications Corporation, and Frontier Communications ILEC Holdings LLC for an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Transfer of Control of Frontier Communications Northwest Inc. to Northwest Fiber, LLC, Docket UT-190574*

Dear Mr. Johnson:

The Northwest Telecommunications Association (“NWTA”), on behalf of its members - including major facilities-based competitive local exchange carriers that serve in the current Frontier Communications Northwest, Inc. (“Frontier”) service territory in Washington, and pursuant to the Washington Utilities and Transportation Commission’s (“Commission”) January 6, 2020 *Notice of Public Comment and Hearing* in the above-referenced matter, submits the following comments in lieu of an appearance during the January 27, 2020 Settlement Hearing.

The NWTA strongly urges the Commission to explicitly require Northwest Fiber, LLC (“Northwest Fiber”), the transferee in this matter, to honor Frontier’s existing interconnection and other commercial agreements with wholesale carrier subscribers (“Agreements”), as a prerequisite for approval of the proposed transaction.

In light of Frontier’s prominence in Washington and the Pacific Northwest generally, a majority of NWTA members depend on Frontier Agreements to serve a segment of their end-user subscribers. These Agreements have been carefully crafted and accord NWTA members *and* Frontier a stable framework for providing reliable telecommunications services to subscribers. In the interest of ensuring the continued, reliable provision of telecommunications services to the public, particularly in rural areas where NWTA members utilize Frontier’s network and services, it is vital that existing Agreements are honored and remain unchanged.

Northwest Fiber has previously stated its commitment to honor existing retail and wholesale obligations.¹ NWTa does not doubt Northwest Fiber's sincerity. Nevertheless, Northwest Fiber's commitment should be explicitly established as precondition for Commission approval of the transfer of control as further assurance that the Agreements will indeed be honored without amendment, as Northwest Fiber states.

The Federal Communications Commission's ("FCC") August 2, 2019 grant of USTelecom's unbundled network element ("UNE") and service resale forbearance request² underscores the need for an explicit requirement that Network Fiber honor Frontier's Agreement commitments. In granting USTelecom's request, the Commission established a three-year transition period for competitive local exchange carriers to pursue commercial agreements that replace current incumbent local exchange carrier agreements for UNEs and resold services. By extension, NWTa urges the Commission to explicitly require Northwest Fiber to honor Frontier's Agreements *for a minimum three-year period*, and to subsequently negotiate replacement agreements with carriers on a good faith basis, subject to Commission adjudication, if necessary.

Although Northwest Fiber will serve as a competitive local exchange carrier, by virtue of the proposed transfer of control the Company will be stepping into the shoes of a dominant incumbent local exchange carrier. NWTa does not oppose the proposed transfer of control. Yet NWTa members continued use of Frontier's né Northwest Fiber's incumbent carrier network and Agreements to reliably serve end-user subscribers remains paramount. Northwest Fiber should be explicitly held to a commitment it has already made to honor Frontier Agreements a precondition for transaction approval and maintain those Agreements without amendment for a minimum three-year period, consistent with the FCC's USTelecom forbearance request grant. This straightforward requirement will ensure a smooth transaction and the continuation of reliable telecommunications and competitive choice for rural Washingtonians.

¹ "Upon Closing, Northwest Fiber will continue to honor the Frontier Oregon Companies' retail and wholesale obligations, including all existing interconnection agreements and other commercial agreements with other carriers." See, *In the Matter of the Joint Application of Northwest Fiber, LLC, Frontier Communications Corporation and Frontier Communications ILEC Holdings LLC for an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Transfer of Control of Frontier Communications Northwest Inc. and Citizens Telecommunications Company of Oregon to Northwest Fiber, LLC*, Docket UM 2028, *Joint Application and Motion for Protective Order* (June 28, 2019), page 9. See also pages 16, 18.

² See, *In the Matter of Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks* WC Docket No. 18-141, *Memorandum Opinion and Order* (August 2, 2019).

Mr. Mark L. Johnson
September 6, 2019
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Thank you for your attention to this matter. An original and five copies of these comments are submitted via priority delivery. Questions may be directed to me.

Sincerely,

/s/ Todd Way

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President
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cc: Docket UT-190574 (via Email)