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June 30, 2006

Via E-mail and Overnight Delivery

Carole Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT-060676 – Rulemaking to Consider Price List Elimination

Dear Ms. Washburn:

Pursuant to the Commission's May 5, 2006 Notice of Opportunity to File Written Comments in the above-referenced docket, AT&T Communications of the Pacific Northwest, Inc., TCG Seattle, TCG Oregon, Integra Telecom of Washington, Inc., and XO Communications Services, Inc. (collectively "Joint CLECs") provide the following comments. The Joint CLECs recommend that the Commission (1) repeal existing rules governing price lists for competitively classified companies and services; (2) modify existing rules governing filing of contracts for competitively classified companies; and (3) decline to adopt any rules relating to the new statutory provisions that establish interim requirements for companies who choose to maintain existing price lists until June 30, 2007 (or until June 30, 2008 pursuant to a petition for a one-year extension of the statutory deadline for withdrawal of price lists).

Existing Price List Rules

Commission rules governing price lists for companies and services that have been classified as competitive are contained in WAC Chapter 480-80 and include the following rules:

- | | |
|------------|---|
| 480-80-201 | Use of price lists |
| 480-80-202 | Interpretation and application of price lists |
| 480-80-203 | Transmittal letter |
| 480-80-204 | Price lists format and content |
| 480-80-205 | Effective date of price list filings |

480-80-206 Price list availability to customers.

Each of these rules is inconsistent with SSB 6473 and should be inapplicable to any carrier that has withdrawn its price list on or before June 30, 2007 (or June 30, 2008 if granted a one-year extension). The Commission has two alternatives to implement the legislation: (1) repeal all of these rules (with the possible exception of WAC 480-08-203, which also applies to contract filings and is discussed below) effective June 30, 2007; or (2) modify the rules to apply only to those carriers that have chosen to maintain price lists until no later than the statutory deadline.

The Joint CLECs recommend that the Commission pursue the first option as the cleanest way to conform the existing Commission rules to the new law. As part of its order on repeal, however, the Commission should clarify that until the effective date of their repeal, those rules apply only to carriers who continue to maintain price lists and are deemed waived for all carriers who withdraw their price lists.

Existing Contract Filing Rules

Commission rules also include three provisions governing the filing of customer contracts by competitively classified companies or for competitively classified services:

WAC 480-80-203	Transmittal letter
WAC 480-80-241	Filing contracts for services classified as competitive
WAC 480-80-242	Using contracts for services classified as competitive

The legislation does not amend RCW 80.36.150, which continues to require telecommunications companies to file customer contracts "as and when required by [the Commission.]" The Commission's current rules require competitively classified companies to file contracts in order to inform the Commission about rates, terms, and conditions that vary from the company's price list. Eliminating price lists renders this purpose moot, and no other purpose consistent with SSB 6473 is served by continuing to require competitively classified companies to file customer contracts.

Accordingly, the Commission should modify these rules to eliminate the requirement that competitively classified companies file customer contracts.

New Interim Price List Rules

In addition to eliminating the price list requirements for competitively classified companies and services, SSB 6473 added two new sections to RCW chapter 80.36. The first section provides for an interim period (and possible one-year extension) during which companies may continue to maintain price lists. The second section requires each company withdrawing a price list to provide information on the rates, terms, and conditions applicable to customers who currently obtain service under the price list and permit customers to cancel service if those rates, terms, or

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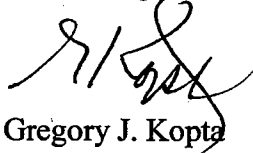
conditions change upon that withdrawal. Both of these statutory provisions establish clear requirements that by their nature will be effective for less than two years – and in most cases less than one year – and thus do not lend themselves to incorporation into Commission rules. Because the rules are clear, moreover, there is no need for the Commission to address these requirements in its rules.

The Joint CLECs, therefore, recommend that the Commission not adopt any rules with respect to these new statutory provisions.

The Joint CLECs appreciate the opportunity to comment on the proposed rulemaking. Please contact me if you have any questions about these comments.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read 'G. J. Kopta', is written over the typed name.

Gregory J. Kopta