

June 7, 2000

Carole J. Washburn  
Executive Secretary  
Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S. W.  
Olympia, Washington 98504-7250

Re: Docket Nos. UT-991922, UT-991301 and UT-990146  
Technical Rules

Attention: Sondra Walsh, Dave Griffith and Tom Spinks

Dear Ms. Washburn:

Enclosed are an original and ten copies of U S WEST's comments in the above referenced dockets. A 3.5 diskette is enclosed and these comments were also filed electronically.

#### INTRODUCTION

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U S WEST appreciates the opportunity to provide additional comment on the proposed technical rule modifications in WAC 480-120-046, 051, 076, 091, 096, 136, 131, 151, 152, 153, 340, 350, 500, 505, 510, 515, 520, 525, 530 and 535 and the proposed new technical rules WAC 480-120-X05, X05.5, X06, X08, X16 and X17 discussed at the April 11, and May 15, 2000 workshops. The attached comments address the issues raised at the workshop and also reflect additional U S WEST concerns with the proposed rules. U S WEST will continue to submit comments as the need arises and is available to respond to any question that may arise as a result of the following comments.

If you have questions regarding these comments, I can be reached at 206-345-4726 or you may also contact Holly Dean at 360-754-3241.

Sincerely,

Attachments (1)

## TECHNICAL RULES

**WAC 480-120-046, 051, 076, 091, 096, 136, 131, 151, 152, 153, 340, 350, 500, 505, 510, 515, 520, 525, 530 and 535**

### **480-120-046 Service offered.**

480-120-046 (1) It is not clear what the Commission intent is with the closing statement “The classes of service are: business and residential.” U S WEST suggests that the rule language be modified as follows:

“The minimum classes of service offered by each company must include: business and residential.”

480-120-046 (2) Types of service should be clarified to state “minimum flat-rate basic *local exchange* service.”

480-120-046 (3) Grades of service should be modified to state the following: “Local exchange companies must be capable of offering one-party service to all customers who request such”. Companies should be free to decide whether they also will offer multi-party service.

### **480-120-051 Availability of service – Application for and installation of service.**

480-120-051 (2) should be modified to limit the requirement of a specific date when the company is aware that it does not have available facilities to meet a customer’s request for service or when the company is unable to provide a specific date such as during work stoppages, natural disasters or civil unrest.

U S WEST proposes the language be modified as follows: “A company must tell an applicant for service the specific date when service will be provided when facilities and conditions permit. ...If it becomes apparent that service cannot be supplied when stated, the company must notify the applicant for service as soon as reasonably practical.”

The requirement to notify prior to the committed date is not always possible since in some cases the installer may not know the due date cannot be met until he or she is actually at the applicant’s premise. This is largely caused when the assigned facilities are defective and the company is not aware of this until they actually test them when provisioning the applicant’s service. The commission staff has typically been most supportive of this situation and has not traditionally viewed this circumstance as a “missed commitment” since the installer has actually been at the applicant’s premise on the committed date. The proposed rule language is too stringent in that it fails to

recognize instances where information may not be available prior to the committed date. It is for this reason that U S WEST suggests the above modification. Also, under the strictest interpretation, one might suggest “promptly” fails to include recognition of reasonable hours during which an applicant might be notified.

480-120-051 (3) should be limited to primary (first line) local exchange service only.

480-120-051 (4) should be eliminated. Companies generally do not know if an applicant’s request for service requires on-premise access. If U S WEST believes a premise visit is necessary, and an applicant requests an AM or PM appointment, U S WEST puts forth its best effort to meet such a commitment. However, it is not practical for companies to specify an appointment within a four hour interval when it is not known how long each “dispatched” appointment will require until the installer is actually at each premise. The amount of work differs by location and cannot be predicted. If the commission continues to retain this proposed language, U S WEST requests it be modified to require companies to attempt to meet an AM or PM appointment. However, such an appointment cannot be guaranteed if all applicant’s require such specificity.

480-120-051 (5): The requirement to complete orders within five business days in 480-120-051(5)(a) should remain at 90%. Most companies struggle to meet the 90% requirement in certain exchanges presently. It makes no sense to create a more stringent standard when the current standard has proved to be unreasonable in all cases. Furthermore, the rule should only mandate installation of the first local exchange line, not five lines per premises.

480-120-051(5)(b) and 480-120-051(5)(c) should remain applicable to only primary lines and should also be limited to the first local exchange line only. Particularly in light of the prevailing success of wireless services. A requirement to install five lines to every premise may result in stranded investment ultimately borne by customers who do not have competitive choice or who cannot afford wireless service. It is unclear why the commission advocates five lines in a market that is rapidly evolving to wireless technology.

480-120-051(5)(c) should also be qualified to those lines that can be completed within one hundred eighty days and are not delayed due to circumstances beyond the company’s control such as right of way restrictions, permit delays, construction delays due to government restrictions, etc. In other words, the companies should only be obligated to fulfill orders held strictly due to company reasons. The commission should also include language that limits such a requirement to orders with a cost of less than \$3,000. Fulfillment of high cost orders should not be required absent a universal service funding mechanism.

480-120-051(5)(d) should be modified to be applicable to only the first line and should also include the following additional exceptions: orders held due to customer reasons, orders that require payment of line extension charges and orders for service in unassigned territory.

**480-120-126 Safety.**

This rule should be deleted from this chapter, as the requirements of this rule are governed by the Department of Labor and Industries. Under the Governor's order, one set of rules is the standard and is sufficient to address the issues raised.

#### **480-120-131 Reports of accidents.**

This rule should be deleted from this chapter, as the requirements of this rule are governed by the Department of Labor and Industries. Under the Governor's order, one set of rules is the standard and is sufficient to address the issues raised.

#### **480-120-151, Telecommunications companies use of customer proprietary network information (CPNI).**

U S WEST suggests waiting to implement these rules as proposed until the FCC completes its CPNI rulemaking process. It is highly likely that the FCC will complete its rulemaking process soon and remove the need for duplicate rules at the state level. Returning to these rules after completion of the FCC's process would be consistent with the Governor's mandate to simplify, remove duplication, coordinate among agencies and jurisdictions and limit imposition of rules where possible.

If the proposed rules are adopted, U S WEST proposes including a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would again promote consistency and coordination of the law.

#### **480-120-152, Notice and approval required for use of customer proprietary network information (CPNI).**

U S WEST suggests waiting to implement these rules as proposed until the FCC completes its CPNI rulemaking process. It is highly likely that the FCC will complete its rulemaking process soon and remove the need for duplicate rules at the state level. Returning to these rules after completion of the FCC's process would be consistent with the Governor's mandate to simplify, remove duplication, coordinate among agencies and jurisdictions and limit imposition of rules where possible.

If the proposed rules are adopted, U S WEST proposes including a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would again promote consistency and coordination of the law.

#### **480-120-153, Safeguards required for use of customer proprietary network information (CPNI).**

U S WEST suggests waiting to implement these rules as proposed until the FCC completes its CPNI rulemaking process. It is highly likely that the FCC will complete its rulemaking process soon and remove the need for duplicate rules at the state level. Returning to these rules after completion of the FCC's process would be consistent with the Governor's mandate to simplify, remove duplication, coordinate among agencies and jurisdictions and limit imposition of rules where possible.

If the proposed rules are adopted, U S WEST proposes including a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would again promote consistency and coordination of the law.

#### **480-120-340 911 Obligations of local exchange companies.**

U S WEST proposes striking this section in its entirety. The requirements have been met therefore this rule is no longer necessary. However should the commission decide to retain the proposed rule language (b) should be modified to include price lists.

#### **480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base--When permitted.**

480-120-350 contains requirements applicable to public safety answering points (PSAPs). Local exchange companies cannot enforce commission requirements for functions they are not technically or functionally involved with or that they don't directly manage. Therefore the proposed language that the local exchange companies ensure compliance by PSAPs is useless since local exchange companies have no tools to enforce compliance. Nor do the local companies manage the administrator of the E911 database. The local exchange companies no longer manage the E911 database and therefore cannot comply with the proposed requirements contained in this rule. Only PSAPs are required to keep a record of reverse searches. It is not possible for the local exchange company to create a record at the time of a reverse search when the search does not necessarily involve the local exchange company. Therefore the entire rule should be eliminated since no company can comply with its requirements and because the commission does not regulate PSAPs or the E911 database administration.

#### **480-120-500 Telecommunications service quality--General requirements.**

WAC 480-120-500(1): There are a number of changes proposed in WAC 480-120-500(1) that significantly increase costs to all carriers as currently drafted. The proposed changes substantially change the current rule and are not explained as to why they are necessary. For example, it is unclear why staff proposes eliminating "reasonable continuity" in WAC 480-120-500(1). Deletion of the current language ("reasonable") suggests continuity must be provided whether reasonable or not. "Reasonable" should not be stricken in WAC 480-120-500(1).

The staff also proposes adding the "availability of comparable services" to WAC 480-120-500(1). This addition should be eliminated or at a minimum revised to state "availability of comparable basic services as defined in RCW 80.36.600". In no case should it be implied that all customer should have access to all services.

WAC 480-120-500(2): The proposed changes to WAC 480-120-500(2) are dramatic as well. Again the term "reasonable" is replaced with the term "appropriate" or "projected". Determination of "appropriate" may or may not include a recognition of reasonable procedures based on the specific circumstances. Projected demand as opposed to reasonable demand suggests facilities must be built and resources employed based solely on projected demand. Reasonable demand would include consideration of multiple factors such as attrition, prior trends, sustainability, etc. It is unclear whether the commission staff was truly attempting to change the requirements contained in WAC 480-120-500(2) or if they were simply trying to make existing requirements more clear. If the

proposed rule language suggests a company must now build facilities and maintain a work force based on unqualified projected demand for an unspecified period of time then an SBEIS must be prepared. However, such a change is likely to result in capital expenditures and resource employment not genuinely required because a forecast that includes forecasted demand from other carriers was overstated. U S WEST strongly urges the Commission to retain the current qualifications contained in WAC 480-120-500(1) and (2).

U S WEST also requests that WAC 480-120-500 be amended to identify that no service quality requirement contained in WAC 480-500, 505, 510, 515, 520, 525, 530, 535, X05, X05.5, X06, X08, X16 and X17 establishes a level of performance to be achieved during periods of emergency, disaster or catastrophe, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, holidays, civil unrest, force majeure, or disruptions of service caused by persons or entities other than the local exchange company. In addition, it should be clarified that company's are not obligated to meet service standards when efforts to install or repair service are delayed due to circumstances over which the company has no control, such as permit delays, county restrictions, etc. until such barriers are removed.

#### **480-120-515 Network performance standards**

U S WEST suggests adding disaster and retaining holidays in the introductory section of WAC 480-120-515. U S WEST would also suggest adding examples to the statement "disruptions of service caused by persons or entities other than the local exchange company". U S WEST proposes the statement be amended as follows: "disruptions of service caused by persons or entities other than the local exchange company such as disruptions caused by other carriers, internet service providers, or special events". U S WEST has experienced network failures (all circuit busy conditions) because other local exchange providers have not adequately trunked their networks to accommodate their call volumes which has resulted in U S WEST trunk busy conditions. This has also occurred when internet service providers (ISPs) serve millions of customers but don't subscribe to the appropriate number of trunks or lines to accommodate their traffic volumes. These situations are much like a sports event that typically creates an unusual burden on the network when customers all attempt to call the same telephone number at the same time for a short duration of time. An example of this is ticket sales for a play-off event. This clarification would prove useful to companies faced with these unusual circumstances since such companies have engineered and designed their networks to accommodate normal operating conditions.

WAC 480-120-515(1)(a)(ii) should remain unchanged. Completion of called numbers cannot be guaranteed, this is why the current language refers to "complete dialing". A call may be processed but may in fact reach a subscriber caused busy condition. Perhaps staff meant to imply such by changing "busy" to "blocking" but that was not the explanation provided at the May workshop.

WAC 480-120-515(1)(b) should provide for such equipment to be located in either the host or remote central office switch.

The four day requirement in WAC 480-120-515(2)(a) and (b) is insufficient. It does not allow for company analysis as to whether call volumes are temporary, reoccurring or due to a single subscriber or carrier. Nor can a company resolve such problems within four days when it is reliant upon suppliers for equipment and cannot produce or manufacture such equipment for itself. Rather than limiting the number of instances when a blocking level may be exceeded, the rule should provide for steps and timeframes under which such a level should be corrected based on predefined criteria. A company cannot necessarily control the blocking that is occurring if the blocking is caused by abnormal circumstances. A company can only react and rearrange its network or increase its network when it experiences new traffic patterns and requirements. In addition, WAC 480-120-515(2)(b) should include a requirement that the interexchange or local exchange company (and all other companies) order a sufficient number of facilities from local exchange providers to perform at a B.01 level of service.

WAC 480-120-515(3)(a) should be modified to require all companies to comply with ANSI/IEEE standards for outside plant as opposed to specific technical parameters as proposed in the current draft rule. The benefits of such an approach would be that as such standards change on a national basis the Washington requirements would automatically be updated and changed. IEEE standards are subject to review at least once every five years for revision or reaffirmation; this is done to reflect state of the art technology. U S WEST proposes the Commission replace the proposed and existing WAC 480-120-515(3) language with a requirement of compliance with the ANSI/IEEE Standard 820-1984 – Technical Loop Performance Characteristics.

Should the Commission continue with its own standards, then U S WEST requests WAC 480-120-515(3)(a)(iii) remain unchanged or it could be totally deleted since compliance with (3)(a)(i) and (ii) results in compliance with (3)(a)(iii). U S WEST requests this modification because the proposed language changes the current requirement and results in a requirement to change existing range extension devices. Such a change would require an SBEIS quantification. However, at the workshop it appeared staff did not intend such a change and therefore retention of the original language may be acceptable.

U S WEST also requests that WAC 480-120-515(3)(a)(iv) be modified to recognize an additional circuit noise standard when digital loop carrier (DLC) systems are utilized. The circuit noise standard for customer loops served by digital carrier is less than or equal to 23dBmC.

WAC 480-120-515(3)(c) Digital Services should be modified to require all companies to comply with ANSI/IEEE standards for Dedicated Digital Services (ANSI T1.510-1994 and ANSI T1.514-1995) as opposed to specific technical parameters as proposed in the current draft rule or WAC 480-120-515(3)(c) should remain unchanged.

Should the Commission decide to proceed with its proposed rule changes, U S WEST requests the following modifications. First, the proposed addition of “switched” dedicated circuits is unnecessary since dedicated circuits that interconnect with switched services would be subject to technical requirements applicable to each (dedicated circuits or switch performance requirements). WAC 480-



120-515(3)(c) should also be modified to simply remove “switched and non-switched” since the focus is truly on error free performance provided over “dedicated circuits”. U S WEST also respectfully requests retention of “calendar month minutes”. The elimination of minutes implies the need for circuit availability even when the customer does not require “use” of the circuit. The availability should be specific to the use of the circuit itself. And finally, WAC 480-120-515(3)(c)(iii) should be modified to reflect bit error ratio as opposed to bit error rate. This change would be consistent with ANSI/IEEE technical standards. Also the 10(-6) standard should be retained as explained at the workshop.

#### **480-120-520 Major outages and service interruptions.**

U S WEST suggests deleting this rule entirely. The notification requirements of this rule are unnecessary since the FCC has established procedures in place to accommodate this need. Under 47 C.F.R. section 63.100, all companies must report to the FCC duty officer via fax within 120 minutes of a major outage that effects 50,000 customers for thirty minutes or more.

Should the Commission feel a need to retain its own rules , U S WEST respectfully requests such rules mirror the FCC requirement of reporting the outage within 120 minutes when the outage effects at least 50,000 customers for thirty minutes or more. In addition WAC 480-120-520(2) should be modified to retain the current requirement to train and inform “pertinent” employees as opposed to “all” employees. Not all employees are required to participate in restoration of a major service outage. The proposed elimination of “pertinent” requires unnecessary training and additional expense.

U S WEST requests clarification on the proposed language in WAC 480-120-520(4)(c)(ii) concerning “near and far end network switches” and how such a requirement differs from WAC 480-120-520(4)(c)(i). If the concept staff is attempting to address involves host and remote switch technology, U S WEST would be glad to recommend alternative language.

Proposed WAC 480-120-520(6) should be deleted because it could create major public safety concerns. It may not always be appropriate to disseminate information about major outages to the media when such disclosure could result in specific areas being targeted for criminal activity, etc. U S WEST does not object to disclosure of such information once restoration of a major outage has occurred nor does U S WEST object to general information disclosure requirements.

Proposed WAC 480-120-520(6)(a) should not be required for the reasons cited above. In addition, when the company plans outages to update or maintain equipment it does so at hours when customers typically do not require use of the network. U S WEST is unaware of any issues that have arisen due to this business practice and therefore respectfully requests the commission delete this proposed rule language as it creates unnecessary expense and may create a public safety hazard.

#### **480-120-525 Network Maintenance**

WAC 480-120-525(2)(e) should be modified to provide for a standard over three months as opposed to two months. The current two month standard is missed by a number of companies in small rural

exchanges. If a trouble condition occurs over several days that encompass a week that falls within two months, a company would not meet the standard. A three month standard would eliminate this situation and would allow the commission to focus on those exchanges with multiple trouble conditions.

WAC 480-120-525(2)(h) should not be modified as proposed by the commission staff. The original rule required portable power for remote subscriber carrier sites which addressed sites where SLC96 systems and remote central office switches were deployed. The proposed language is more vague and is not clear. At a minimum the term “customer” should be eliminated.

WAC 480-120-525(2)(i) should be modified to exempt end offices from the requirement. As proposed by staff, subsection (2)(i) would essentially mandate complete redundancy of the network. Companies will design, construct, maintain and operate facilities to ensure reasonable continuity of service and uniformity in the quality of service. Should the Commission continue to pursue this proposal, an SBEIS must be prepared. A requirement for route and circuit diversity for all offices would create a significant expense not currently embedded in rates. The current rule recognizes that diverse facilities should be deployed where economically and technically feasible; this qualification should be retained.

Proposed WAC 480-120-525(3)(a) should be modified to reflect the current requirement in WAC 480-120-525(1) to answer eighty percent of repair calls received within thirty seconds.

#### **480-120-535 Service quality performance reports.**

WAC 480-120-535(3)(b) should be limited to initial (first) line service only. The commission should not require every company to satisfy every order received without any consideration of high cost orders and should only monitor installation intervals for the first (primary service) line. At a minimum, the commission should retain the existing rule language which limits reporting to orders for up to five lines.

U S WEST cannot report the number of lines per unfilled order or for orders completed beyond five business days without manually reviewing each order. Such a manual process would create a major expense since U S WEST currently receives over 600,000 orders for access lines annually. U S WEST respectfully requests the commission retain the existing rule requirement or modify it to the first line only as discussed above.

U S WEST suggests qualifying 480-120-535(3)(c) to only those outages that effect 50,000 or more customers for thirty minutes or more.

480-120-535(3)(d) should be modified to report the number of trouble reports as opposed to the number of access lines with reported trouble. U S WEST systems track reports which include multiple calls from the same access line. U S WEST does not have an existing report that tracks trouble by access line.

480-120-535(3)(e)(i) should be clarified to explain how this requirement should be reported. U S WEST suggests the following clarification:

The peak percent blocking level experienced over the preceding month for any given hour within that month. The hour is based on 30 days of data of offered CCS and the percent blocking.

480-120-535(3)(f) should be limited to out-of-service conditions only.

480-120-535(4) should be modified to eliminate the requirement that companies keep service quality records in a format acceptable to the commission and in such condition that they can be forwarded to the commission upon request. It is highly unlikely that any company can comply with this requirement if the commission requests a report different than those required in WAC 480-120-535(1), (2), and (3) and that report does not exist at the time of the request. U S WEST is prepared to share with the commission service information that is readily available upon request.

#### **WAC 480-120-X05 Existing facilities – Responsibility for maintenance and reinforcement of existing telecommunications facilities.**

U S WEST has no comment on this proposed rule at this time.

#### **WAC 480-120-X05.5 Existing facilities – Reinforcement responsibilities.**

U S WEST respectfully requests the commission modify the proposed rule as follows:

(1) Companies are responsible for all work, materials, and costs associated with reinforcing facilities up to an existing applicant's for service or customer's property line where service has previously been provided by the company within the most recent five years, for that customer only. Reinforced facilities are those facilities that require expansion or maintenance and follow the same facility route as the facilities originally placed in response to the customer's original application for service.

Existing customers who subdivide their property and now request additional service for separate homes on such property or new applicants for service on such property are required to pay line extension rates, as appropriate under a company's tariff, that include the distance associated with reinforced facilities.

(2) Drop facilities are the telecommunications facilities (e.g. cable or wire) and support structure from the property line to the premise (dwelling) to be served. Drop facilities are the responsibility of the applicant or customer. The route of the drop is designated by the company. ~~The company is responsible for all work, materials and costs associated with~~

~~the telecommunications facilities (wire or cable).~~ The customer is **Responsibility** responsible for work, materials, and costs associated with the support structure ~~may be shared by both the company and the customer as described below:~~ on private property. The customer is also responsible for attaining all necessary easements as required. Customer-provided support structures must meet company standards. Ownership and maintenance responsibilities of customer-provided support structures vest in the company.

~~(a) when a company receives a request for additional service at a premise where all existing cable pairs are in use, the company is responsible for the cost of work, materials and costs associated with the drop facilities;~~

~~(b) when a company receives a request for additional service at a premise where all existing cable pairs are in use, the company is responsible for the cost of work, materials and costs associated with placement of a support structure except under the following conditions:~~

~~(i) there is no existing support structure for use by the company;~~

~~(ii) the existing support structure follows a route which no longer follows a logical engineering path (example: land has been short platted);~~

~~(iii) the existing support structure is at capacity (e.g. additional cable or wire can not be placed); or~~

~~(iv) the existing support structure is damaged and therefore unusable and the customer fails to repair the damage.~~

~~(c) customer-provided support structures must meet company standards;~~

~~(d) ownership and maintenance responsibilities of customer-provided support structures vest in the company.~~

The cost of reinforcing cable facilities in order to provide a working telecommunications circuit that runs from the extremities of the network back to the central office is a major expense that would not otherwise be incurred absent the customer's order for additional service. Under the current network design, outside plant is tapered, with more pairs in cables at the center near the central office, and fewer pairs in cables at the ends of the cable routes furthest from the central office. This is the "forward looking, efficient" design that has been used in the cost docket, UT-960369 et al., to determine the prices U S WEST may charge for loops. This design contemplates an ultimate demand over the forecast horizon on the network from the ends of the routes back to the central office. If that demand is exceeded on any route, then the network must be reinforced. That means that additional cables must be laid from the extreme end of the cable route, back to at least a taper point where the cable size was reduced, and there are available pairs that can connect to the central office.

In some cases, these routes are served by digital loop carrier, which again is a forward looking, efficient technology whose function is to increase efficiency by getting the most possible use from expensive copper loops, especially loops of great length. Digital loop carrier systems are sized to meet the expected load on the route. A customer who subdivides their property and imposes requirements to extend service where service was never forecasted, places an unexpected demand on the network. That demand was never anticipated when the original facilities were placed because the customer had no such plans at that time. If the load on the route, in terms of number of customers, unexpectedly increases then the customers will not receive service unless the digital loop carrier systems are replaced with larger systems. Such reinforcement is costly and should be borne by the cost causer not all ratepayers. It is the cost causer that benefits from the division of property not ratepayers.

If local exchange companies are not free to decline to extend service where there are not available pairs that run all the way back to the central office or sufficient digital loop carrier capacity, and they are required to provide service that actually connects to the central office, then they must reinforce facilities. This is as much a cost of extension (if not more) as is the so-called direct cost of providing an electrical connection from the customer's property boundary to the extremes of the existing network. Absent the line extension request, the reinforcement would not be required. The customer should bear the burden of this expense as part of their line extension fees.

The proposed rule language places the burden of cost for reinforcement on the company's ratepayers. It is essential that the costs of reinforcement be included in any cost recovery mechanism for service to unserved areas. The Commission's own recognition and adoption of a tapered network design as efficient and forward looking for the purpose of setting prices for unbundled network elements reinforces this ILEC practice. The proposed rule unfairly

fails to recognize this same principle in setting the terms of cost recovery for line extensions or facility reinforcement required under the proposed rule.

The need for this recovery is more critical today than at any time in the past. Many new technologies are becoming available for the provision of local telephony, including cable, local multi-channel, multi-point distribution, fixed wireless, and satellite telephony. As these technologies become more cost effective, consumers to whom U S WEST will have extended facilities (which included the need for reinforced facilities) under the auspices of the proposed rule will be free to discard the expensive long copper loops and use the other technologies. This is as it should be. But since the ILEC will not have been free to decline to risk its capital in the face of these new competitors according to the proposed rule, the rule must provide for recovery of that capital. The current rule does not provide for such recovery, for most of the relevant cost.

If U S WEST is not permitted to recover the cost of network reinforcement that is made necessary by line extensions as suggested in the proposed rule, then the only ways in which U S WEST can receive compensation are that its rates for UNEs and other services must recover these costs. However, the rates for UNEs are based on costs determined without including the massive spare capacity at the outer ends of cable routes, that would be required under this proposed rule, to make extensions without network reinforcement. U S WEST's existing retail rates are based on embedded network costs which also do not reflect this increment of spare capacity that would be necessary under the proposed rule as written.

It is for these reasons that U S WEST respectfully requests this rule be eliminated or modified as suggested above.

#### **WAC 480-120-X06 Unserved Areas.**

U S WEST suggests striking this proposed new rule. The Commission is currently in the process of determining how it should pursue 214(e)(3) requests to designate a carrier in unserved areas in Docket Nos. UT-991930, UT-991931 and UT-993000. All common carriers deserve a full and fair opportunity for a hearing on these issues as should be provided in the 214(e)(3) proceeding. Therefore, that proceeding is the appropriate vehicle for resolving these issues, not a rulemaking.

#### **WAC 480-120-X08 Service Quality Guarantees**

WAC 480-120-X08(1) should be modified as follows:

One of the following delayed basic exchange service options will be available to customers who are unable to obtain service within ten business days of the assigned due date.

Comments of U S WEST Communications Inc.  
Re: Docket Nos. UT-991922, UT-991301 and UT-990146  
June 7, 2000

In addition, WAC 480-120-X08(1)(d) should be eliminated. WAC 480-120-X08(1)(a) satisfies this need in that a customer can easily obtain wireless service for less than \$100 a month.

WAC 480-120-X08(2) should be qualified to five business days and (c) should include the statement that the customer is responsible for all toll calls.

WAC 480-120-X08(3)(a) should be modified as follows:

(3)(a) Appointment and commitment guarantees apply to commitments associated with the connection of new and existing services that are not temporary or a re-connection of existing service. Guarantees also apply to commitments associated with the repair of existing service when the customer cannot place and/or receive calls and the service has not been temporarily disconnected by the company.

WAC 480-120-X08(3)(b) should be modified as follows:

(b) An appointment guarantee requires the customer to be present at the time of the appointment. An appointment is considered kept if the company arrives at the appointed time (AM or PM) but cannot complete the order until a later date or notifies the customer prior to the commitment date that facilities are unavailable and a new appointment must be made.

WAC 480-120-X08(3)(c) should be eliminated because it is not an accurate statement. A committed due date may require the customer to be present. Companies generally do not know if an applicant's request for service or repair report requires on-premise access. If U S WEST believes a premise visit is necessary, and an applicant requests an AM or PM appointment, U S WEST puts forth its best effort to meet such a commitment. However, it is not practical for companies to specify an appointment when it is not known how long each "dispatched" appointment will require until the technician is actually at each premise. The amount of work differs by location and cannot be predicted.

WAC 480-120-X08(4) should be modified to specifically include adverse events such as work stoppages, civil unrest, etc.

**WAC 480-120-X16 Service interruptions.**

U S WEST suggests modifying this language by qualifying it to out-of-service (no dial tone) conditions only. In addition, U S WEST proposes that (a) be eliminated for the same reasons cited under WAC 480-120-520(6) above.

**WAC 480-120-X17 Emergency operation.**

U S WEST has no comment on this proposed rule at this time.

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