

January 24, 2001

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. U-991301

Dear Ms. Washburn:

Thank you for the opportunity to provide comment in this matter. As requested in the Notice of January 5, 2001, enclosed you will find a 3-½ inch IBM-formatted high density disk in Word.

The Washington Independent Telephone Association (WITA) has reviewed the proposed rulemaking and takes the position that some of the rules that are proposed either should not be adopted or should be modified.

The one rule that should not be adopted is proposed WAC 480-120-541. This rule moves the old access charge reporting rule. This rule is inconsistent with the WCAP plan recently approved by the Commission. Under the WCAP plan, the carriers participating in that plan do not report on an annual basis concerning their access tariffs pursuant to U-85-23. The provisions of U-85-23 have been superceded by the concepts contained in the approved WCAP. Under the WCAP, the reporting requirements contained in Subsection (1) and the subsequent information on filing dates in Subsection (2) and data filing requirements in Subsection (3) do not apply. Therefore, WITA urges that this rule not be adopted since it is inconsistent with the Commission's recent order approving the WCAP plan.

WITA also believes that the language contained in proposed WAC 480-90-193, 480-100-193 and 480-120-043 dealing with notices is, in part, archaic. Specifically the information contained in Subsections (1), (2) and (3) do not reflect modern practice. For example, Subsection (3) in each case refers to a start date of July 31, 1959. In addition, the whole concept of posting notices in a business office or payment office to provide notice to the public

does not reflect modern reality. WITA suggests that each of the rules be rewritten to read as follows:

Utilities shall use adequate and appropriate means of notification of tariff changes, on or by the filing date, that will reasonably ensure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

The Commission may require such other notification of the public as may be necessary in any particular case of tariff filing.

The inserted effective date, unless otherwise directed, shall be a date not less than thirty (30) days after the date the Commission receives the tariff. Also, if the Commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty (30) days after the date the Commission receives the tariff.

This proposed change keeps the intent of the rule in place while avoiding perpetuating archaic language.

Finally, WITA notes that the predecessor to proposed WAC 480-120-544 dealing with mandatory cost changes has never been used. The primary reason it has never been used is that the limitations are so stringent that no company has sought to avail itself of the rule. It probably does no harm to keep the rule in place. However, rather than perpetuating a rule which has not been used, the Commission should consider making changes to the rule to make it more available.

Sincerely,

TERRY VANN

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Enclosure