

Qwest Corporation
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Seattle, Washington 98191

Theresa Jensen
Director- Washington Regulatory Affairs
Policy and Law

April 9, 2002

Ms. Carole Washburn
Executive Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S. W.
P. O. Box 47250
Olympia, Washington 98504-7250

Re: Docket No. UT-991922 - Registration, Competitive Classification and Price
Lists of Telecommunications Companies, Chapter 480-121 WAC

Dear Ms. Washburn:

Enclosed are Qwest Corporation's ("Qwest") comments in response to the Commission's March 14, 2002 Notice of Opportunity to Submit Written Comments on Proposed Rules for Registration, Competitive Classification and Price List rules for Telecommunications Companies, Chapter 480-121 WAC; Prepaid Calling Services, WAC 480-120-052; and Protection of Customer Prepayments, WAC 480-120-058. Qwest continues to be concerned with the proposed rules for Registration, Competitive Classification and Initial Price List rules for Telecommunications Companies, Chapter 480-121 WAC. Qwest respectfully requests modification of proposed language at WAC 480-121-020 (3). This modification is required for consistency with RCW 80.36.350.

If you have any questions, please call me at 206-345-4726.

Very truly yours,

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making)
Proceeding Related To)
)
)
) Docket No. UT-991922
Registration, Competitive Classification)
and Price Lists of Telecommunications)
Companies, Chapter 480-121 WAC; Prepaid)
Calling Services, WAC 480-120-052; and)
Protection of Customer Prepayments,)
WAC 480-120-058)
_____)

Comments of Qwest Corporation

April 10, 2002

Qwest Corporation ("Qwest") files these comments in response to the Commission's March 14, 2002 Notice of Opportunity to Submit Written Comments on Proposed Rules for Registration, Competitive Classification and Price List rules for Telecommunications Companies, Chapter 480-121 WAC; Prepaid Calling Services, WAC 480-120-052; and Protection of Customer Prepayments, WAC 480-120-058. Qwest continues to be concerned with the proposed rules for Registration, Competitive Classification and Initial Price List rules for Telecommunications Companies, Chapter 480-121 WAC. Qwest respectfully requests modification of proposed language at WAC 480-121-020 (3). Proposed WAC 480-121-020 (3) states the following:

The commission *may* require, with or without hearing, that an applicant for registration clearly show:

- (a) Adequate financial resources to provide the proposed service;

- (b) Adequate technical competence to provide the proposed service; and
- (c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

WAC 480-121-020 (3) appears to be written in response to RCW 80.36.350 which states the following:

The commission may deny registration to any telecommunications company which:

- 1) Does not provide the information required by this section;
- 2) Fails to provide a performance bond, if required;
- 3) Does not possess adequate financial resources to provide the proposed service;
- 4) Does not possess adequate technical competence to provide the proposed service.

RCW 80.36.350 requires a showing of items one through four above. Once such a showing occurs, the Commission may approve an application for registration or may deny such if the showing is inadequate. RCW 80.36.350 does not provide the latitude proposed at WAC 480-121-020 (3). RCW 80.36.350 requires the applicant to demonstrate to the Commission that it possesses adequate financial resources and technical competency to provide the proposed service(s). Such a demonstration is not optional.

In light of the current economic environment as well as the changes witnessed in the telecommunications industry to date, Qwest believes it is critical that the Commission know that new telecommunications entrants possess adequate financial resources and technical competency to provide their proposed service(s). If such entrants do not possess adequate financial resources to provide their proposed services, ratepayers of the suppliers of such inadequate companies will bear the burden of all losses associated with the failure of such companies. Likewise, if such entrants do not possess adequate technical competency to provide their proposed services, the public switch network may be compromised and all Washington residents may suffer.

It is critical that the Commission modify the introduction in WAC 480-121-020 (3) from "may" to "will".