

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of) DOCKET NO. UT-991737
)
Rulemaking Concerning Line Extension)
Tariffs, Draft WAC 480-120-071)
_____)

SUMMARY OF COMMENTS OF QWEST CORPORATION

Qwest comments in opposition to the proposed rules. Qwest notes that the proposed rules address universal service issues in the face of specific legislative prohibitions on such rules without advance legislative approval. Qwest comments that it is unfair and unlawful to impose, as the proposed rules do, obligations to serve high cost locations only on companies that are required to file tariffs. Qwest points out that the rules fail to address the correct criteria for determining when a line extension may be required. Qwest argues that the proposed rule would unlawfully prevent ILECs from charging their filed and effective line extension tariffs and the requirement to file new tariffs with specific maximum limits unlawfully reverses the burden of proof. Qwest comments that it is arbitrary and capricious to deny cost recovery for necessary reinforcement. Qwest notes that there is no support in the administrative record for key aspects of the rules such as the maximum end user charges, and that the rules would fail the statutory "rational decisionmaker" test under the APA. Qwest comments that the rule contains a "public interest" test for approval of terminating access charges that renders this method of cost recovery a potential illusion. Qwest also comments that the proposed

rules fail to follow the legislative mandate to make support of universal service explicit and violate constitutional constraints against the delegation of power to private entities.

Respectfully submitted,

QWEST CORPORATION

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Dated September 12, 2000