

Bob:

I am writing with respect to proposed rule language WAC 480-120-X05 - Responsibility for maintenance of existing facilities. The proposed language is as follows:

Companies are responsible for all work, materials and costs associated with the repair of existing facilities including the placement of new facilities and support structure as necessary, when existing facilities can not be repaired (e.g. Pairs are unrecoverable).

Our current tariff (WN U-40, Section 2.4.2), which was approved by the Commission on December 21, 1998, by authorization of order of the Commission in Docket Nos. UT-960832, 961341 and 961342, states the following:

The Company at its sole discretion may determine that maintenance and/or repair of existing facilities is necessary.

At no charge to the customer, the Company will perform all work and provide all materials associated with maintenance and repair of existing Company facilities unless the repair and/or maintenance being performed is the result of damage to Company facilities caused by the customer or another identified party.

The Company at its sole discretion may determine that replacement of existing facilities and/or support structure is necessary for maintenance and/or supporting structure is necessary for maintenance and/or repair purposes. Under these circumstances the work and materials associated with the installation of the facilities and/or supporting structure will be considered maintenance and repair, not new construction.

WN U-40, Section 2.5.2 states:

Unless the following is required for Company maintenance purposes, any existing or new structure(s) or work required to support the installation of additional telephone facilities on the customer's premises shall be provided at the expense of the customer. Such structure(s) or work may include the placement or use of trenching, conduit and/or poles to support telephone services provided on the customer's premises.

Installation and maintenance beyond the Company's protected network facilities will be the responsibility of the customer or others requesting such work.

Therefore, I will be proposing WAC 480-120-X05 - Responsibility for maintenance of existing facilities be amended as follows:

Companies are responsible for all work, materials and costs associated with the repair of existing facilities, including the placement of new facilities and support structure as necessary for the repair of service, when existing facilities can not be repaired. The Company is not responsible when the repair and/or maintenance being performed is the result of damage to Company facilities caused by the customer, a third party or another identified party. Maintenance beyond the Company's protected network facilities will be the responsibility of the customer or others requesting such work.

The Company at its sole discretion will determine that maintenance and/or repair of existing facilities and/or support structure is necessary for maintenance and/or repair purposes.

Any existing or new structure(s) or work required to support the installation of additional telephone facilities at the customer's request, on the customer's premises, shall be provided at the expense of the customer. Such structure(s) or work may include the placement or use of trenching, conduit and/or poles to support telephone services provided on the customer's premises.

Please call me if you have any questions.

Regards,

Theresa