BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

UT-990146 Telecommunications Companies, Chapter 480-120 WAC	)	COMMENTS OF SPRINT CORPORATION
UT-991301 Tariffs, Chapter 480-80 WAC	)	
UT-991922 Registration, Classification, and Price Lists, Chapter 480-121 WAC	)	

Sprint Corporation ("Sprint") submits these comments in response to the November 7, 2000, notice of "Opportunity to Submit Written Comments on Draft Rule." Sprint appreciates the opportunity to provide comments, and believes the workshops have been productive. Sprint's primary concern with the draft is the applicability to competitive providers.

WAC 480-120-011 Application of rules.

In general, it appears that by replacing the terms "utility" and "local exchange company" with "company" throughout the draft rules, Staff is proposing to significantly broaden the applicability of many current rules to include competitive providers. Sprint reiterates from its initial comments its view that this change conflicts with the spirit of the law. RCW 80.36.320(2) states that competitive telecommunications companies shall be subject to minimal regulation. Additionally, this statute grants the Washington Utilities and Transportation Commission ("Commission") the power to waive regulatory requirements when it determines that competition will serve the same purposes as public interest regulation. In enacting this law, the Legislature facilitated the development of competition by freeing competitive providers from unnecessary, costly,

and burdensome requirements that, in many cases, are beyond the control of the provider. This same law provides effective remedies that the Commission may implement if competition is insufficient to protect consumers, or the Commission finds occasional "bad actors." For instance the Commission may revoke the certificate or reclassify any competitive telecommunications company.[1] Additionally, the Commission may limit a company's competitive classification to certain services if such steps would protect the public interest.[2]

Sprint believes an approach that eliminates most regulations for competitive providers, with exceptions where necessary, would better adhere to statutory requirements, encourage competition, and still provide safeguards that protect the public interest. Sprint, therefore, recommends that the term "utilities" not be replaced with the term "company" throughout the rules, and that a separate section of rules be established for competitive providers that comports with the minimum requirements outlined in RCW 80.36.320(2).

WAC 480-120-X04 Exemptions from rules.

Again, rather than broadening the application of rules to all providers, and requiring that competitive providers apply for special waivers, Sprint urges the Commission to limit the rules to non-competitive utilities. A special section of rules could be created that would apply to competitive providers pursuant to RCW 80.36.320(2). Such an approach would be in the spirit of the Washington statutes, the Telecommunications Act of 1996, and the governor's mandate that initiated this proceeding.

As mentioned above, the WUTC has the statutory authority to exempt competitive providers from regulatory requirements when it determines that competition

[1] RCW 80.36.320(4).
[2] Id.

will serve the same purposes as public interest regulation. Indeed, RCW 80.36.320(5) states that the commission may waive different regulatory requirements for different companies if such difference is in the public interest. In practice, the Commission has limited the application of regulations to competitive providers consistent with the statutory minimums found in RCW 80.36.320(2). This practice comports not only with the statutory mandate of subjecting competitive providers to minimal regulation, but also actively promotes competition by minimizing entry barriers for new competitors. Certainly Washington has been a leader in advancing a pro-competitive national policy, and the Commission should not now reverse course on its pro-competitive policies by increasing the regulatory burden on competitive carriers.

In 1996, Congress passed the Telecommunications Act ("Act") "to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans." [3] The Act directs the FCC to apply regulatory forbearance whenever enforcement of regulation is not necessary to protect consumers or the public interest.[4] The Act also orders the FCC to perform a biennial review of its regulations to determine whether any such regulations are no longer necessary in the public interest as the result of meaningful economic competition between providers of such service. Rules determined to be unnecessary to preserve the public interest are to be repealed or modified.

Presumably, the goal of competition was also foremost in the Governor's mind when he directed this Commission to re-examine its rules in light of need, effectiveness and efficiency, clarity, intent and statutory authority, and coordination with other agencies." No evidence has been presented in this docket that would suggest the public

[3] Conference Report, p.1.

interest would be better served by imposing additional rules on competitive providers. Moreover, it would clearly be counter-productive to Washington's long-held public policy favoring competition, as well as the national telecommunications agenda, to burden competitive providers with additional regulation.

WAC 480-120-032 Political information and political education

Since these rules are generally waived for competitive providers, and since competitive providers are not subject to rate of return ratemaking, this rule should appear under the section of rules that would apply to regulated utilities, and not to competitive providers.

WAC 480-120-500 Telecommunications Service quality – General requirements.

Sprint agrees with the November 16, 2000 notice that WAC 480-120-500 should be withdrawn from consideration at this time since it raises issues that require more work.

Respectfully submitted this 22nd day of November, 2000, by

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[4] State Commissions may not continue to apply or enforce any provision of the Act that the FCC has determined to forbear from applying under Section 20(a) (47 U.S.C. 159).