

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making  
Proceeding  
Related to Telecommunications  
Companies – Chapter 480-120 WAC

DOCKET NO. UT-990146

**Comments of  
Public Counsel  
Attorney General of Washington**

November 27, 2000

Public Counsel files these comments in response to the Commission's notice and call for comments of November 7, 2000.

**RULES PROPOSED FOR CR 102**

**WAC 480-120-011 Application of rules.**

Public Counsel had a concern with previous drafts of this proposed rule that had deleted a number of important provisions. This proposal is a significant improvement. Public Counsel supports this new draft rule's retention of the existing language, including the right of affected customers to appeal the erroneous or doubtful interpretation of these rules.

**WAC 480-120-016 Additional requirements.**

While the proposed rule is a reasonable revision of the prior language, Public Counsel would suggest that the title "Savings Clause" be retained as more accurately descriptive. In addition, we would recommend retaining the phrase "upon its own motion, or upon the

application of any party” in subsection (2) from the prior rule in order to clearly preserve the opportunity for either means of bringing forward proposed additional or different requirements.

#### **WAC 480-120-026 Tariffs.**

It is unclear why the current language is not retained in the draft or whether a substantive change is intended. Public Counsel supports retention of the existing filing requirements for tariffs, rate schedules, rules, regulations, price lists, and contracts.

##### Suggested language

Insert after “Tariffs” the following phrase, “Rate Schedules, Rules, Regulations,”

#### **WAC 480-120-027 Price lists.**

The proposed rule eliminates the current price listing rule altogether, replacing it with a cross-reference to Chapter 480-80 WAC. Chapter 480-80, however, does not currently address price lists, only Tariffs. While a rulemaking is currently under way on that issue in Docket U-991301, it would be premature to eliminate the existing price listing rule as proposed here. Instead, Public Counsel recommends retention of the current requirements in the price listing rule until it is determined whether the price listing rules will be changed. This could be accomplished in one of two ways. One option would be for the Commission to simply leave this rule in place and in its current form for now. It could be appropriately amended or replaced with a cross-reference after the price listing rulemaking has been completed. A second option would be to adopt the proposed revision but to move WAC 480-120-027 in its current form to Chapter 480-80 where it could be later amended depending on the outcome of the price listing rulemaking.

### **WAC 480-120-032 Political information and political education activities.**

Public Counsel supports retention of the current examples of “political information and political education activities” in the existing rule (“newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings”). In general, such illustrative lists are useful to the Commission, the public and to regulated companies in applying the rules. These examples have been in the rule for a significant period of time and their removal may have the perverse effect of adding uncertainty about when the rules apply.

Public Counsel would also urge that the separate accounting requirement be retained unless it is contained elsewhere in the rules. As a practical matter, a prohibition of the recovery of such expenses is of limited effectiveness unless there is separate accounting. It is not clear why this requirement is being deleted.

### **WAC 480-120-033 Reporting requirements for competitive telecommunications companies**

Public Counsel continues to recommend adding to the requirements of this rule additional information on the areas served by the company and the services offered by the company in each area.

#### Suggested language

(e) provide information detailing the areas served by the company and what services are offered in each area.

**WAC 480-120-500 Service quality--General requirements.**

Public Counsel continues to object to removing the language of existing subsection (2). Companies should be required to continue to engage in prudent management and engineering practices and not merely engage in forecasting activities. It is axiomatic that if forecasting were sufficient to obviate service quality problems, such issues would not now exist in Washington.

Suggested language

Retain the redacted language of subsection (2).

**WAC 480-120-X03 Access to premises.**

Public Counsel continues to recommend that, except in cases of emergency, or when customers request more immediate service, companies provide customers with 48 hours notice and a 4-hour time window when they desire access.

**WAC 480-120-X22 Resolving disputes about the meaning of these rules.**

Public Counsel would recommend that this new rule also include a provision describing the procedure that will apply to requests for clarification. As written, the rule does not address whether the matter will be dealt with at an open meeting for example, whether other interested persons will be advised that a clarification has been sought and is under consideration, or whether the clarification by the Commission will be made public. One reasonable approach would be to use the same procedure applicable to requests for exemption from rules set forth in WAC 480-120-x04 (3).

**CONCLUSION**

In general, except as otherwise noted, Public Counsel supports the revisions proposed by Staff. We would request that the Commission consider the few changes we have suggested as improving the final version of the rules. Our primary concern is that elimination of the price listing rule at this time is premature.