

Theresa Jensen
Director – Washington Regulatory Affairs
Policy and Law

November 22, 2000

Carole Washburn, Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, Washington 98504-7250

Attention: Bob Shirley and Mary Taylor

Re: Docket No. UT-990146

Dear Ms. Washburn:

Qwest Corporation (“Qwest”) has minimal comments in response to the Washington Utilities and Transportation Commission notice issued on November 7, 2000 in the above referenced docket.

Qwest supports the removal of WAC 480-120-500, as recommended by the Commission Staff in its November 17, 2000 Notice. Further work must occur before Qwest can support new language in WAC 480-120-500.

Qwest respectfully requests that WAC 480-120-X05 also be removed to allow for additional time to pursue agreement on the issues in that rule. The proposed rule language found at WAC 480-120-X05 - Responsibility for maintenance of existing facilities is not complete. It needs to address exceptions, define the extent of facilities for which the company is responsible and qualify how such a decision is determined.

The Commission staff 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).

The current Qwest Corporation tariff, WN U-40, Section 2.4.2, 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.

In addition, 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, Qwest proposes **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.

I can be reached at 206-345-4726 with any questions you may have.

Very truly yours,