

November 21, 2000

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: In the Matter of Regulatory Review of Chapter 480-120 WAC -
Docket No. UT-990146

Dear Ms. Washburn:

These comments are provided to you by the Washington Independent Telephone Association (WITA) in the above referenced docket. Pursuant to the request made in the Opportunity to Submit Written Comments, an electronic version of these comments is being provided.

WITA thanks the Commission for the opportunity to submit comments. The process used to arrive at this set of proposed rules was very constructive. A number of workshops were held. In addition, meetings between WITA and representatives of Commission staff were held to discuss specific concerns with some of the rules. This led to a proposed revision to WAC 480-120-136, for example, which met the concerns of the industry while fulfilling the Commission's regulatory needs.

With two exceptions, WITA supports adoption of the rules proposed in this call for comments. Those two exceptions are WAC 480-120-X22, which WITA believes is repetitive of the substance contained in WAC 480-120-011, and WAC 480-120-X05.

WITA has other comments to offer, but they are primarily comments on syntax and typographical errors.

COMMENTS ON INDIVIDUAL RULES

There is a typographical error in the first paragraph of proposed WAC 480-120-011. The reference should be to “Chapter 80.36 RCW” rather than “Chapter 80-36 RCW.”

WITA also suggests that the third paragraph of this rule be written so that it reads as follows: “Cases of erroneous or doubtful interpretation of these rules by a company or customer are subject to appeal to the Commission by any interested and proper party.”

There is an inconsistent use of terms. Most of the rules use the word “company” to describe the telecommunications utility. Some of the rules, such as WAC 480-120-016, use the term “telecommunications company.” Since the chapter deals with telecommunications companies, a consistent reference to the term “company” rather than “telecommunications company” might be appropriate.

One of the goals expressed by Commission staff in the workshops was to provide guideposts within the rules. An example of this is the revision to WAC 480-120-026 concerning tariffs and to WAC 480-120-027 concerning price lists. WITA suggests that the two rules be combined into one so that WAC 480-120-026 might read as follows:

WAC 480-120-026 Tariff/Price lists.

Companies must file tariffs or price lists, as appropriate, in accordance with Chapter 480-80 WAC – Utilities general – Tariffs, Price Lists and Contracts.

In looking at WAC 480-120-033, it appears that some of the references may be ambiguous. WITA suggests that subsection (c) and (d) be rewritten as follows:

(c) provide year-end income statement and balance sheet for total company; and

(d) provide revenues from total Washington telecommunications operations and Washington intrastate telecommunications operations.

It is WITA’s suggestion that WAC 480-120-530(3) be modified slightly. The change would be to have the last three words of that subsection read “any remote switch” rather than “the remote switch.” The reason for this suggestion is that very often more than one remote switch is homed off of a central office. Use of the article “the” suggests that there is only one such switch.

There is a minor item for WAC 480-120-X03. The rule as written changes between singular and plural in its use of nouns and verbs. A more consistent use of terms may be to have the second sentence read: "A company must provide photo identification to personnel who are authorized to enter a customer's premises."

Again, there is a very minor suggestion for WAC 480-120-X04. In subsection (4) it might be more appropriate to use the term "requesting person" rather than "petitioner." The term petitioner may have some implications under Chapter 480-09 WAC and has not been used earlier in the rule.

A more serious concern exists with WAC 480-120-X05. What is the purpose of this section? Does it mean that a company may not charge a customer for the placement of new facilities? Is this rule consistent with the Commission's recently adopted line extension rule? WITA suggests that this rule not move forward at this time until it is better understood what rationale exists behind this proposed new rule. On a more mundane level, the syntax is confusing. WITA would suggest that if the rule is retained, it read that "a company is responsible. . . ."

There is a very minor suggestion for WAC 480-120-X10. The word "Chapter" should be inserted in front of the reference to "480-121 WAC."

For WAC 480-120-X17(2), WITA suggests inserting the words "to the extent applicable," in front of the term "each company must maintain. . . ." The reason for this suggestion is that not all companies have a regional network operation center, for example.

As noted above, WITA believes that WAC 480-120-X22 carries the same substantive purpose as the third paragraph of WAC 480-120-011 and therefore is not needed.

Finally, WITA agrees with the notice that was received earlier this week that WAC 480-120-500 should be withdrawn from consideration at this time since it raises issues that require more work.

Sincerely,

TERRY VANN

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cc: Bob Shirley
Board Members