

Wyse, Lisa (UTC)

From: Gross, Krista (UTC)
Sent: Monday, August 27, 2007 9:14 AM
To: Wyse, Lisa (UTC)
Subject: FW: Qwest v WUTC

A-021178 and TO-030288

Sorry (again!!!)

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From: Gross, Krista (UTC)
Sent: Friday, August 24, 2007 3:13 PM
To: Wyse, Lisa (UTC)
Subject: FW: Qwest v WUTC

I just remembered I was supposed to e-mail this to you. Link is at the bottom of the page. Sorry it's so late!

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From: Trautman, Greg (UTC)
Sent: Tuesday, August 21, 2007 4:08 PM
To: Sidran, Mark (UTC); Jones, Philip (UTC); Oshie, Patrick (UTC); Rendahl, Ann (UTC); Danner, Dave (UTC); Ottavelli, Fred (UTC); Bate, Sharyn (UTC); Schooley, Thomas (UTC); Kermode, Danny (UTC)
Cc: Rose, Chris (UTC); Saunders, Wilford (UTC); Steel, Lisa (UTC); Strain, Paula (UTC); Goltz, Jeffrey (ATG); UTC DL AGO
Subject: FW: Qwest v WUTC

Today, in a unanimous published opinion, the Washington Court of Appeals affirmed the validity of the Commission's Cash Transfer Rule and Subsidiary Reporting Rule. Qwest had challenged both rules as allegedly beyond the Commission's statutory authority. The Court disagreed, concurring with our argument that the rule is within the broad authority set forth in RCW 80.04.080 to require special or periodic reports of regulated companies. The Court noted that large cash transfers from non-investment grade utilities are relevant to a company's financial operations and its rates and charges. The Court also agreed that requiring reports concerning a regulated companies' subsidiaries (some of which would also qualify as affiliates under the affiliated interest statute) is within the Commission's statutory authority. The Commission

rejected Qwest's arguments, and found that the cases Qwest sought to cite as authority were all distinguishable.

A link to the published opinion is included below.

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http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&file_name=345234MAJ