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September 11, 2017

**VIA E-FILING**

Mr. Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Docket UT-170031 – Notice of Opportunity to File Written Comments

Dear Mr. King:

On August 7, 2017, the Commission issued its Notice of Opportunity to File Written Comments in the above-referenced Docket ("Notice"). The purpose of the proposed rule contained in the Notice is to address repair standards for service interruptions and impairments, excluding major outages. This letter will constitute to the comments of the Washington Independent Telecommunications Association (WITA).

The Commission had first round of comments that closed on March 6, 2017. At that time, WITA submitted comments which essentially asked the Commission to identify what problem they were attempting to address and to identify what was the need for the rule. There has been absolutely nothing that has been issued that addresses those questions.

From WITA's perspective, this rule is absolutely unneeded. It seems very counter productive to create prescriptive rules in the highly competitive telecommunications market. If companies are not able to provide adequate service as perceived by the customers, the customers vote with their feet.

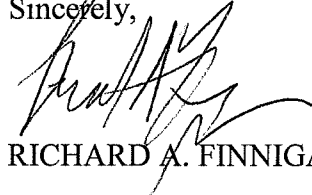
Further, the draft rule is clearly over prescriptive. For example, the draft rule purports to set repair standards for inside wire and customer premise equipment. WAC 480-120-411(1)(e)(ii). Inside wire and customer premise equipment are not regulated services. A telecommunications company has no right to make those repairs unless selected by the customer from among a large field of competing vendors.

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The proposed rule is also unrealistic. It requires completion of a repair project within forty-eight hours of a permit being issued when a permit is required. WAC 480-120-411(1)(e)(iv). Obviously, the Commission is not familiar with the permitting process and construction. That is a standard that will be exceedingly difficult to meet. Since a company does not know when a permit will be issued, is the company required to pull employees off of another project to do this repair? Or, is the company required to have employees stand by idly until the permit is issued? The draft makes no sense.

WITA respectfully requests that the Commission not move forward with this rulemaking.

Sincerely,



RICHARD A. FINNIGAN

RAF/cs

cc: Client (via e-mail)