

May 31, 2001

**VIA ELECTRONIC MAIL and
UPS OVERNIGHT MAIL**

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

Re: Tariff Rulemaking Docket No. U-991301

Dear Ms. Washburn:

INTRODUCTION

Pursuant to the Notice of Opportunity to File Written Comments, dated May 9, 2001, WorldCom Inc. ("WorldCom"), welcomes this opportunity to present the following comments on the Washington Utilities and Transportation Commission Staff's ("Staff") discussion draft of the rules in WAC Chapter 480-80.

WorldCom appreciates Staff's efforts to propose revisions to the Commission's rules for filing tariffs, pricelists, and contracts and generally agrees that many of the recommended changes are appropriate. However, WorldCom believes that some of the proposed requirements for the filing of pricelists are unnecessarily onerous, and will hamper competitive providers' abilities to compete with the incumbent carriers. Moreover, WorldCom disagrees with Staff's proposal to eliminate the protections to carriers normally conferred by the presence of filed price lists. WorldCom's specific concerns are detailed below.

137378/1/LFR/101065-0044

DISCUSSION

Interpretation and Application of Price Lists

Proposed WAC 480-80-2X2(1) provides that “[a] price list is not a tariff and is not reviewed or approved by the commission at the time of filing. . . .” Section (2) provides that “[t]he commission will not deem a customer to have constructive knowledge of any provision of a price list solely because that provision has been filed with the commission.” These provisions, taken together, would deprive carriers of the protections traditionally conferred by the filed rate doctrine, while at the same time requiring carriers to comply with myriad detailed filing requirements.

Currently Commission Staff does carefully review initial price lists filed by carriers as a part of their registration and petition for competitive classification. In addition, the Commission Staff reviews subsequent price filings and contacts the company if it has any concerns.

As pointed out by the Joint CLECs in their comments filed on March 5, 2001, the legislature has required that price lists be filed with the Commission to protect both consumers and the carriers that serve them. *See* RCW 80.36.320 and 330. WorldCom urges Staff to alter its proposal to delete the subsections described above.

Pricelist Format and Content

Staff’s proposed WAC 480-80-2X3(7) requires that all price list filings be accompanied by a transmittal letter in compliance with WAC 480-80-1X2(2) which lists the requirements for transmittal letters to accompany tariff filings. These requirements include 480-80-1X2(2)(g) which states that the transmittal letter shall “[d]escribe which services are impacted, the dollar amount *and percentage of increase or decrease if the filing is a rate change . . .*” WorldCom believes that this requirement is unnecessarily burdensome with respect to competitive carriers, and should be eliminated.

Effective Date of Revisions to Pricelists

Proposed WAC 480-80-2X4 states that any “new price list or price list revision becomes effective on the later of (a) the effective date stated in the prices list, (b) ten days after it is filed with the commission, and (c) ten days after any existing customers receive actual notice of the revision in accordance with WAC 480-120-XXX.” Under proposed WAC 480-120-X15 the prior notice requirement applies not only to price increases, but also to price decreases and changes in terms or conditions. WorldCom believes that this requirement is unnecessary in that, unlike price *increases*, there is no real reason to delay the effectiveness of price decreases or changes in terms or conditions. Moreover, the proposed delay will hamper the carrier’s ability to respond quickly to changes in the competitive environment. For that reason, the rules should specify that revisions which do not increase prices are effective immediately upon filing.

Web Posting of Price Lists

Proposed WAC 480-80-2X5(1) requires that “each company must maintain a complete copy of the price list that is on file with the commission on a web site accessible to the public using a standard web browser.” This requirement is both burdensome and discriminatory.

First, WorldCom does not currently maintain its price lists on a web site. Thus WorldCom would need to expend significant time and energy to develop and maintain the proposed web site. Second, Staff does not propose to impose a similar requirement on ILEC tariff filings. Proposed WAC 480-080-1X16 requires each telecommunications company to make tariffs *and* price lists available to customers (a) at all of its business offices; (b) by delivery to the customer; *or* (c) electronically. There is, however, a proposal to require all companies to post all tariffs on a web site.

WorldCom recommends that Staff remove from its proposal the requirement that price lists be posted on the web. However, if Staff is not inclined to remove this requirement, then WorldCom makes the following suggestions:

1. Tariffs should also be required to be posted on a web site; and
2. Carriers should be given a grace period before the requirement is effective in order to give them time to develop, test and implement the web site.

Copies of Price Lists

Proposed WAC 480-80-2X5(3) provides that each company must provide to any customer making a written or oral request a copy of the price list applicable to that customer’s service at no charge to the customer. Because of the expense involved, WorldCom recommends that the rule specify a limit on the number of copies that must be made available to each customer at no charge.

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CONCLUSION

WorldCom appreciates the opportunity to comment on the proposed rules. Please contact me if you have any questions about these comments or need additional information.

Very truly yours,

ATER WYNNE LLP

Lisa F. Rackner

LFR:kct

cc: Ann E. Hopfenbeck, Esq.
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