

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of :

Rulemaking to Consider Possible Corrections  
and Changes to Selected Rules in WAC 480-07,  
Relating to Procedural Rules.

Docket No. UT-072162

COMMENTS OF QWEST  
CORPORATION

**I. INTRODUCTION**

Qwest Corporation (“Qwest”) offers the following comments in response to the Commission’s Notice of Opportunity to File Written Comments issued on January 25, 2008.

**II. RESPONSE TO COMMISSION STAFF PROPOSED CHANGES**

In response to the proposed changes identified in the initial Notice of Opportunity to File Written Comments filed in this docket, Qwest has no objections to those changes.

**III. RESPONSE TO PUBLIC COUNSEL INITIAL COMMENTS OF JANUARY 8, 2008**

Public Counsel filed initial written comments on January 8, 2008. In those comments, Public Counsel recommends changes to other procedural rules as well. As discussed during the February 6, 2008 Bench/Bar Conference, Qwest concurs with some of these recommendations, and opposes others, as summarized below.

**A. WAC 480-07-110 on exemptions from Commission rules.**

Public Counsel's comments recommended "that the Commission adopt a heightened standard for exemptions from, and modification of, Commission rules." Qwest opposes the proposed change. The existing language in 480-07-110 prescribes appropriate considerations for waivers and exemptions, and does not preclude the Commission from considering other factors in each case as the facts and circumstances may warrant. The Commission should have discretion to determine what is in the public interest. Any attempts to further define the specific considerations would only serve to limit that broad discretion, and, as noted in WITA's comments, could prohibit the granting of a waiver in certain cases, even if the public interest would otherwise support a waiver.

**B. WAC 480-07-140 on communicating with the Commission and electronic filing.**

Qwest supports a modification to the rule to routinely allow electronic filing of documents with hard copies to be provided the next day, to the extent that such a modification is permissible under the APA.

**C. WAC 480-07-160 on confidentiality and sanctions for improper designations.**

Public Counsel recommends that the Commission should consider including language allowing the imposition of sanctions, including monetary penalties, for improper designations of confidentiality. The proposed change should be rejected. There is no evidence that parties are improperly making confidential designations, or that they are doing so in bad faith. There is simply no need for an amended rule at this time. Protective orders are routinely issued in adjudicative proceedings, and those orders, and the existing rule, clearly provide how parties may designate information as confidential and how parties may contest such designations.

**D. WAC 480-07-395 on format requirements, specifically page limits.**

Qwest does not support changes to WAC 480-07-395 at this time. There appears to be no need to revise the rule regarding page limits, as carriers may ask for extensions to the 60-page limit

when circumstances require.

**E. WAC 480-07-510 on electronically filed work papers.**

Qwest has no objection to the recommendation to clarify that work papers may not be password protected.

DATED this 22nd day of February, 2008.

QWEST



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