

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Rulemaking to Consider Possible Corrections and Changes in Rules in Chapter 480-07 WAC, Relating to Procedural Rules.

Docket No. A-050802

QWEST CORPORATION'S  
THIRD SET OF COMMENTS

**I. INTRODUCTION**

1 Qwest Corporation (“Qwest”) submits the following comments in response to the Commission's Notice of Opportunity to Submit Written Comments, dated April 4, 2006.

**A. General Comments**

2 Qwest supports the decision not to adopt any changes to the procedures governing settlement negotiations. Qwest believes that the proposed changes would have impeded settlement activity. The Commission – especially given its policy of supporting settlement – should not compel parties to negotiate in one particular way or another. In some cases, it is productive to get all parties in a room; in others, it is frankly more productive for subsets of parties to negotiate, reach agreement and then jointly support their compromise to others and/or the Commission. Because non-settling parties are given the right to object to settlements, their

interests are preserved. Requiring all-party negotiations would likely limit the success of negotiations and limit the number of disputes that are settled.

3 Qwest has reviewed the Comments of Puget Sound Energy concerning the proposed revision to **WAC 480-07-140(6)(b)**, and Qwest concurs in those comments. While Qwest will file .doc-format documents wherever possible, and will provide .xls spreadsheets in most cases, there are some circumstances under which it is impossible, impractical, or unduly burdensome in which to do so. Thus, the requirement should not be mandatory and this issue can be handled on a case by case basis.

**B. WAC 480-07-650 Petitions for Enforcement of Interconnection Agreements**

4 In its second set of comments in this matter, Qwest proposed an amendment to WAC 480-07-650, the Commission’s rule regarding enforcement of interconnection agreements. Qwest recommended that the rule be revised to require that companies who send a 10-day notice of intent to file a petition for enforcement as set forth in WAC 480-07-650(1)(c), file the petition within 30 days after serving the 10-day notice. That proposal is not discussed in the current narrative and is not included in the comments matrix. In the event that it was inadvertently overlooked, Qwest will repeat that proposal here.

5 As currently written, WAC 480-07-650 allows a carrier to serve Qwest with a 10-day notice, and then not file a petition for enforcement for many months. The 10-day notice is in the rule in order (among other things) to allow the responding company time to marshal the facts associated with the petition somewhat in advance of the filing of the petition, and respond within the required five (5) business days when the petition is ultimately filed. As the rule currently reads however, the petitioner can wait months before filing its petition, thereby creating a situation where the fact gathering is (perhaps) somewhat stale, the dispute is not “on the radar,” and the responding company is just as surprised by the petition as if no 10-day

notice had ever been filed. Qwest suggests that a 30-day cut off is reasonable, and that the petitioner merely be required to serve another 10-day notice if it intends to file a petition for enforcement after that time. Proposed rule language is set forth below:

(c) ***Prefiling notice of petition.*** The petitioner must give at least ten days' written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify the contract provision the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. The written notice must be served as provided in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement. The written notice shall be valid for 30 days from the date of service. Thereafter, if the petitioner wishes to file a petition for enforcement, petitioner must serve another notice as set forth herein.

Respectfully submitted this 4th day of May, 2006.

QWEST CORPORATION

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