

[Service Date October 7, 2011]

October 7, 2011

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By Monday, November 7, 2011)
and
NOTICE OF WORKSHOP
(To be held Wednesday, November 30, 2011, at 9:30 a.m.)

RE: Rulemaking to Implement SESH B 1087, Chapter 50, Laws of 2011, Establishing Regulatory Fees, Docket UT-111634

TO ALL INTERESTED PERSONS:

On October 5, 2011, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider adopting rules to implement Second Engrossed Substitute House Bill 1087 (SESHB 1087), Chapter 50, Laws of 2011, which authorizes the Commission to establish fees to recover the specific costs of performing activities caused by telecommunication company filings, specifically reviewing, and if necessary arbitrating, interconnection agreements (ICAs) and analyzing petitions requesting eligible telecommunications carrier (ETC) certifications and subsequent reporting requirements if the Commission grants ETC status. To implement the legislation, the Commission may very likely revise certain Washington Administrative Code provisions within Chapters 480-07 Procedural Rules, 480-120 Telephone Rules, and 480-123 Universal Service.

SESHB 1087 provides the Commission with the authority to establish filing fees for telecommunications companies that receive the above-referenced services. These filing fees would recover the costs of performing services under the federal Telecommunications Act of 1996 (the Telecom Act). The Commission is authorized but not required by the Telecom Act and state law to perform these services, including processing negotiated ICAs, examining the public interest and compliance requirements associated with ETC certifications, as well as arbitrating ICAs, resolving disputes between telecommunications carriers, and designating carriers as ETCs.

The Commission will consider establishing filing fees for providing these services to ensure that companies currently paying minimal or no regulatory fees will reimburse the Commission for the services they receive. This will reduce the shortfall between the revenues from regulatory fees and Commission expenses related to the agency's telecommunications activities.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's web site at www.utc.wa.gov/111634. If you are unable to access the Commission's web page and would like a copy of the CR-101 mailed to you, please contact the Records Center at (360) 664-1234.

The Commission requests that interested persons provide written comments addressing specifically:

1. Should there be a split charge for simple arbitrations versus complex arbitrations? (i.e., raising one or two issues versus 20).
2. Should the petitioning party for arbitration bear the full cost of an arbitration fee, or should it be split between the parties in some fashion?
3. Should there be a separate charge for reviewing and approving ICA amendments?
4. Should there be a charge for enforcement of certain provisions in an existing ICA?
5. Should there be a charge for processing a fully adopted ICA?
6. How would charges be applied to entities that already pay regulatory fees versus those entities that don't pay such fees?
7. Should there be a charge for the annual recertification of ETC designation.
8. Should there be separate charges ETC designations for high cost companies versus lifeline designations?
9. Under federal law states are authorized, but not required, to conduct arbitrations and designate ETCs to the extent allowed by state law. Absent application of fees for conducting such activities prospectively, should the Commission consider deferring all arbitration and ETC requests to the Federal Communications Commission for resolution as is done by some other states currently?

WRITTEN COMMENTS

Written comments addressing the questions listed above must be filed with the Commission no later than 5:00 p.m., **Monday, November 7, 2011**. The Commission requests that any comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records

Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UT-111634).
- The commenting entity's name.
- The title and date of the comment or comments.

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later format. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/111634>.

If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document. Questions may be addressed to Sharyn Bate at (360) 664-1295 or e-mail at sbate@utc.wa.gov.

STAKEHOLDER WORKSHOP

In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **Wednesday, November 30, 2011, beginning at 9:30 a.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington**. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Your participation is welcomed via written comments and participation in any stakeholder work sessions. Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1234.
- E-mail the Commission at records@utc.wa.gov.
- Mail written comments to the address below.

When contacting the Commission, please refer to Docket UT-111634 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in a manner described above and ask to be included on the mailing list for Docket UT-111634. If you do not do this, you might not receive further information about this rulemaking.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary