

**A-091124 Rulemaking  
Staff response to comments  
March 2010**

	<b>Section</b>	<b>Commenter</b>	<b>Comments</b>	<b>Staff Response</b>
	WAC 480-120-999(4) and WAC 480-120-999(5)	Finnigan on behalf of the Washington Independent Telecommunications Association (WITA)	WITA notes that there appears to be an anomaly concerning the dates as they relate to the adoption of Title 47 Code of Federal Regulations. In WAC 480-120-999(4), the bulk of the federal regulations are adopted-by-reference as those rules existed on October 1, 1998. However, for the adoption-by-reference for the CPNI rules in WAC 480-120-999(5), the Commission adopts the version in effect on October 1, 2008. Why would the Commission want the most current version of the CPNI rules, and a decade old version of the remainder of the rules? WITA suggests that the date for both rules in Subsections (4) and (5) be modified to be October 1, 2009.	<p><b>Do not change.</b> The amended language in WAC 480-120-999(4) and (5) changes references to sections in Title 47 of the Code of Federal Regulations, but does not change the date of the adopted versions of those sections.</p> <p>The anomaly WITA references is intentional. Updated versions of 47 CFR Part 32 do not include all of the accounts that were present in the 1998 version.</p> <p>Nonetheless, companies that are not classified as competitive (such as the WITA members) may already individually petition the Commission for approval of the use of the 2009 version of 47 CFR Part 32 in accordance with the last three sentences of WAC 480-120-359(1)(a).</p> <p>Additionally, the use of Alternate Form of Regulation (AFOR) remedies are also available to companies in Washington state that are not classified as competitive.</p>