

[Service Date December 1, 2008]

December 1, 2008

**NOTICE OF OPPORTUNITY TO FILE COMMENTS ON PETITION FOR
DECLARATORY RULING
(Comments Due Friday, December 12, 2008;
Responses Due Monday, December 29, 2008)**

**NOTICE OF TIME TO ENTER A DECISION ON THE PETITION
(By Friday, January 9, 2009)**

Re: *In the Matter of the Petition of Washington Independent Telecommunications Association and Lewis River Telephone Company, d/b/a TDS Telecom for a Declaratory Ruling; Docket UT-083056*

TO ALL INTERESTED PERSONS:

On October 28, 2008, Washington Independent Telecommunications Association (WITA) and Lewis River Telephone Company, d/b/a TDS Telecom (TDS) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for a Declaratory Ruling. Specifically, WITA and TDS petition for a declaratory ruling that would determine whether TDS is required to negotiate terms of interconnection pursuant to Section 251 of the Telecommunications Act of 1996, as amended with Comcast Phone of Washington, LLC (Comcast) for the provision of fixed location VoIP services by Comcast or an affiliate of Comcast, or in the alternative determine whether or not Comcast is acting as a Telecommunications Carrier offering Telecommunications Services and whether Comcast's VoIP service is subject to state regulation for those services as a telecommunications company offering telecommunications within the state of Washington.

The statute governing petitions for declaratory ruling provides, RCW 34.05.240, in part:

An agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.¹

Comcast filed an answer to the petition on November 17, 2008, stating that it is a necessary party and does not consent to the determination of the issues in the petition by declaratory order.

At the prehearing conference in this matter held on December 1, 2008, the presiding administrative law judge provided an opportunity for any other interested persons to file comments by Friday, December 12, 2008, on the threshold issues in RCW 34.05.240(7) of whether there are any necessary parties to the proceeding, whether they object in writing to deciding the issues in a declaratory order proceeding and whether entering a declaratory order would substantially prejudice the rights of a necessary party. WITA and TDS may file written responses to Comcast's answer or other comments by Monday, December 29, 2008.

THE COMMISSION GIVES NOTICE of an opportunity to file comments with the Commission by the close of business on **Friday, December 12, 2008**, concerning WITA and TDS' petition for declaratory ruling and the threshold issues identified in RCW 34.05.240(7). WITA and TDS may file a response to comments by **Monday, December 29, 2008**.

Pursuant to RCW 34.05.240(5)(c), the Commission will enter a decision on the petition for declaratory ruling by Friday, January 9, 2009.

Sincerely,

ANN E. RENDAHL
Administrative Law Judge

¹ RCW 34.05.240(7).