

**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  
FOURTH SET OF COMMENTS

**I. INTRODUCTION**

1 Qwest Corporation (“Qwest”) submits the following comments in response to the Commission's Supplemental Notice of Proposed Rulemaking, dated May 11, 2006.

**A. General Comments**

2 In comments filed on May 4, 2006, Qwest supported the Commission’s apparent decision not to adopt any changes to the procedures governing settlement negotiations. Qwest stated that the previously-proposed changes would have impeded settlement activity, and that the Commission – especially given its policy of supporting settlement – should not compel parties to negotiate in one particular way or another.

3 However, only one week later, a similar proposal to amend the settlement rule (WAC 480-07-700) was noticed. Qwest has reviewed this draft, as well as the prior drafts, and opposes the

latest iteration on the same grounds as it opposed prior drafts. (Qwest's Second Set of Comments, filed January 17, 2006, and Qwest's Third Set of Comments, filed May 4, 2006.)

This rule would *forbid* parties from negotiating one-on-one without notice to others and an opportunity for them to participate. In fact, the new rule goes so far as to forbid these types of negotiations even *before* an adjudicative proceeding is commenced. Qwest submits that this is unnecessary and would create incentives, and the ability, for a party to hold the negotiations hostage for a favorable resolution of a particular issue.

4 The dynamics of multi-party settlement negotiations are such that it is often more productive for the company to have individual negotiations with the various parties, including Commission Staff, than to gather all parties together in a room to negotiate the case. The effect of this rule, if adopted, would be to discourage and hamper settlement discussions in a way that is contrary to the Commission's stated policy.

5 Qwest has reviewed the Comments of Puget Sound Energy concerning the most recent proposed revision to WAC 480-07-700 and concurs with those comments as well.

Respectfully submitted this 19th day of June, 2006.

QWEST CORPORATION

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