



TO: Docket A-091124 File

FROM: Rulemaking Team Members (Alan Lundeen, Betty Young, Sharyn Bate, Chris Mickelson, Vanda Novak, and Dennis Moss)

DATE: March 9th, 2010

SUBJECT: Public Hearing for Docket A-091124

Background:

In July of 2009, the Commission opened an expedited rulemaking to update adoption by reference dates to reflect current published versions of federal rules and national safety standards and correct typographical, grammatical, and punctuation errors.

During this update project, additional language was added to WAC 480-120-999 to clarify existing requirements and to help identify where copies of referenced documents could be obtained. None of the proposed changes include any substantial or direct modifications to any rules in Title 480 WAC. This was a technical rulemaking project and updates were not expected to be controversial. Utilities and Transportation Commission (UTC) staff did not anticipate any stakeholder comments or concerns to be submitted as a result of this rulemaking project.

Comments Received:

One comment was received from Richard Finnigan on behalf of the Washington Independent Telecommunications Association. He requested that the Commission adopt the October 1, 2009, version of the Customer Proprietary Network Information (CPNI) rules that are referenced in WAC 480-120-999(4) and (5).

Under the expedited rulemaking statute, RCW 34.05.353, if someone objects to an expedited rulemaking, and they do not withdraw that objection, then the notice that the Commission has issued for the expedited rulemaking is considered a CR-101 (pre-proposal statement of inquiry) and the Commission can proceed from there to an CR-102 (and hearing). Mr. Finnigan declined to withdraw his objection and the section affected by the comment, WAC 480-120-999, was scheduled for a public hearing at 1:30 p.m. on Thursday, March 11th, 2010.

Staff Comments:

The October 1, 2009 version of 47 CFR Part 32 do not include all of the accounts that were present in the 1998 version referenced in WAC 480-120-999(4) and (5). Companies that are not classified as competitive (such as 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). Companies in Washington State that are not classified as competitive can also use Alternate Form of Regulation (AFOR) remedies. Finally, the Federal Communications Commission (FCC) has opened a rulemaking regarding accounting rules. UTC staff would prefer to maintain the current accounting requirements until the FCC's accounting rule changes are solidified, and until the potential effect of changes to intercarrier compensation on accounting needs can be determined.

Small Business Economic Impact Statement (SBEIS)

An SBEIS was not filed with the CR-102 because it was not necessary for this rulemaking. The changes proposed would not impose more than minor costs on businesses. RCW 19.85.030(1).