

August 14, 2001

Carole Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

Re: Docket No. U-991301 - Revisions to Chapter 480-80 WAC

Dear Ms. Washburn:

These comments are submitted on behalf of the Washington Independent Telephone Association. The purpose of these comments are to address the latest draft of the revisions to the tariff rules contained in Chapter 480-80 WAC. These comments will address the rules in the order that they are listed. Proposed revisions to the draft rules are contained in Appendix A, which is attached to this memorandum.

WAC 480-80-010:

Changes are suggested to subsection (6) for language consistency purposes. There should not be an implication that only tariffs have a savings clause. The savings clause should also apply to filed and pending price lists and contracts.

In addition, there is a question as to the intent of the last sentence of subsection (4). Since there are major revisions to the chapter that are proposed under this filing, is it the Commission's intent that companies that have waivers must refile them to be sure that they are adequately covered? Or, is the intent that this sentence be forward-looking in effect and not apply to existing grants of waivers?

WAC 480-80-0X1:

The changes suggested here are suggested language revisions for clarity.

WAC 480-80-0X3:

The changes that are suggested are primarily for language consistency and clarification.

There is one question. Is the authorization block intended to be the signature block for the transmittal letter? Or, is the authorization signature block to be included in the transmittal letter and the transmittal letter contain its own signature block?

WAC 480-80-0X5:

This rule refers to unidentified Commission procedures. WITA welcomes the opportunity to have its members be able to submit electronic filings. However, WITA is concerned that if the procedures for electronic filing are changed from time to time and insufficient notice is given to a company, their filing may be rejected as not complying with undefined Commission procedures. Although it may be awkward and time consuming to include the procedures in rule, it does not make sense for detailed procedures for paper and telefacsimile filings to be included in rule, but electronic filing procedures to be allowed to change from time to time as the Commission may determine.

WAC 480-80-1X1:

The changes suggested here are for the consistency of language and clarity purposes.

WAC 480-80-1X2:

There is a minor punctuation change suggested.

WAC 480-80-1X3:

Minor language changes are suggested.

WAC 480-80-1X4:

The suggested change here is to add a new subsection (d). It is the experience of WITA's members that many times the substitute pages grow out

of changes that are negotiated between the company and the Commission Staff while the filing is pending. These changes may actually result in a material change to the terms and conditions of service as contained on the pending tariff sheet. Therefore, it is WITA's recommendation that this language be added to reflect existing Commission practice.

WAC 480-80-1X6:

The suggested changes here are to reflect consistent use of terms and for language clarity.

WAC 480-80-1X7:

Two changes are suggested for clarification and consistency of terms. In addition, it does not appear necessary to require the UBI number be included on an LSN notice since the UBI number is part of the tariff (see proposed WAC 480-80-1X2(1)(f)).

WAC 480-80-1X8:

The proposed modifications to the draft rule are for clarity and consistency of terms.

WAC 480-80-1X10:

WITA's position is that subsection (2) of this rule is contrary to due process requirements. The Commission does not have the statutory authority, and it would be a violation of due process requirements, to force a utility to proceed through a hearing process on a tariff filing that it does not wish to pursue. This is true whether or not the tariff had previously been suspended.

WAC 480-80-1X12:

WITA proposes deleting proposed subsection (1)(a). The subsection purports to require a tariff adoption when there is a change in ownership. Certainly the Commission does not intend to require a notice be filed for every, for example, 1% change in ownership. If the ownership concept is in what is now proposed subsection (b) where it is a transfer of all or part of the ownership from one utility to another, then that seems to make sense. Even there, the Commission may want to consider a percentage trigger (such as 20%).

The remaining changes are suggested for clarity.

WAC 480-80-2X5:

Some of WITA's smaller members or their affiliates do not have web sites. Thus, if a small company that is operating as a long distance provider does not have a web site, it would be in violation of the Commission rule. Yet, for those WITA members, they are serving a very circumscribed geographic area. WITA suggests that the language be rewritten to accommodate those companies' circumstance.

Thank you for the opportunity to submit these comments.

Sincerely,

TERRENCE STAPLETON

TS/ej

cc: Member Companies
Fred Ottavelli
Rob Snyder