



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: The Washington Utilities and Transportation Commission (Commission) commences this inquiry to consider the development of proposed rules to implement Second Engrossed Substitute House Bill (SESHB) 1087, Chapter 50, Laws of 2011, which authorizes the Commission to establish filing fees to recover the specific costs of performing activities caused by telecommunication company filings, specifically reviewing, and if necessary arbitrating, interconnection agreements (ICAs) and analyzing petitions requesting eligible telecommunications carrier (ETC) certifications and subsequent reporting requirements if the Commission grants ETC status. Docket UT-111634

Statutes authorizing the agency to adopt rules on this subject: Chapter 214, Laws of 2011, Sections 3, 4, 8 and 29. RCW 80.01.040

Reasons why rules on this subject may be needed and what they might accomplish: The Commission is authorized but not required by the federal Telecommunications Act of 1996 and state law to perform such services as: processing negotiated ICAs; examining the public interest and compliance requirements associated with ETC certifications; arbitrating ICAs; resolving disputes between telecommunications carriers; and designating carriers as ETCs. The Commission will consider establishing filing fees for providing these services to ensure that companies that currently are not paying regulatory fees will reimburse the Commission for the costs it incurs to provide these services. This will help reduce the shortfall between the revenues from regulatory fees and Commission expenses related to the agency's telecommunications activities.

Rules may be necessary to implement SESHB 1087. Rules in Chapters 480-07 Procedural Rules, 480-120 Telephone Rules, and 480-123 Universal Service will be reviewed for additions or revisions.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Federal laws and rules apply. The Federal Communications Commission (FCC) also regulates telecommunications activities and will resolve disputes between providers if the state commission declines to do so. That being said, the FCC would be notified if the Commission ultimately declined to resolve disputes between providers due to the substantial expense to process these cases.


Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The Commission will sponsor at least one rulemaking workshop for Commission regulatory staff, industry representatives, and other interested stakeholders and circulate for comment one or more drafts of regulations before issuing a CR-102 and holding a hearing for consideration of a proposed set of rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1234; Fax (360) 586-1150, by 5:00 pm, **Monday, November 7, 2011**.

For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form or the UTC's website at <www.utc.wa.gov/111634>.

DATE October 5, 2011
NAME (TYPE OR PRINT) David W. Danner
SIGNATURE 
TITLE Executive Director and Secretary

CODE REVISER USE ONLY
<div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: October 05, 2011 TIME: 9:51 AM</p> <p>WSR 11-20-104</p> </div>

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET UT-111634

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1234 (Fax: 360-586-1150).

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than November 7, 2011, for consideration at the November 30, 2011, stakeholder workshop.

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UT-111634)
- The commenting entity's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/111634>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at [<records@utc.wa.gov>](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of David W. Danner, Executive Director and Secretary. When contacting the Commission, please refer to Docket UT-111634 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate (360) 664-1295 or e-mail at sbate@utc.wa.gov

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UT-111634, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket UT-111634, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/111634>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**