



WITA

WASHINGTON INDEPENDENT TELEPHONE ASSOCIATION

July 23, 2001

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket Nos. UG-990294 and UE-990473

Dear Ms. Washburn:

By happenstance, representatives of the Washington Independent Telephone Association (WITA) listened to the discussion on these two rulemakings at the July 11, 2001 open meeting. Both of these proceedings involve consideration of revisions to the applicable refusal of service rules. These are WAC 480-90-123 for gas utilities and WAC 480-100-123 for electric utilities. It is not the intent of WITA to comment on the substance of these two rulemakings.

However, WITA does ask that the Commission not consider its actions in these two rulemakings as precedent for the telecommunications rulemaking review of Chapter 480-120 WAC. The issue which is raised is that both WAC 480-90-123(1)(d) and WAC 480-100-123(2)(d) contain a condition for refusal of service if "the utility is unable, after reasonable efforts, to secure all necessary rights-of-way, easements, approvals, and permits . . ." In telecommunications, the long practice has been that it is the customer's responsibility to obtain any necessary easements. The telecommunications company obtains permits and approvals for work in the right-of-way. In addition, it is up to the customer to obtain any land use approvals or permits if the construction is on the customer's property or across another person's private property.

The practice may be different for gas utilities and electric utilities. WITA has no knowledge on that score. However, WITA does ask that the adoption of these rules not be considered precedential, or establishment of Commission policy for telecommunications utilities.

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AND UTILITIES

Thank you for your consideration.

Sincerely,



TERRENCE STAPLETON

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cc: Chairwoman Showalter
Commissioner Hemstad
Commissioner Oshie
Members