



Christine O. Gregoire

# ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

September 19, 2002

Carole J. Washburn, Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

RECEIVED  
RECORDS MAINTENANCE  
02 SEP 19 PM 3:57  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

Re: Docket No. UT-020667

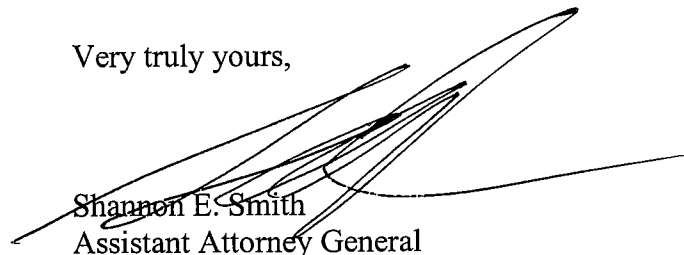
Dear Ms. Washburn:

In its August 19, 2002, Order Declining to Enter Declaratory Order, the Commission required the participants in this docket to inform the Commission by letter the process the participant would recommend the Commission follow to resolve the issues raised by WITA's request for declaratory order.

The Commission Staff believes the issue can be resolved through a process that is less formal and adversarial than an adjudicative proceeding, such as through an interpretive and policy statement. An approach such as this will allow all potential parties to participate in the process and work toward a solution. Because the legal requirements for the formation of interpretive and policy statements are flexible, the Commission could allow for exchange of information between the parties and permit the parties to file briefs setting forth their legal positions.

In the alternative, if the Commission determines that an adjudicative proceeding is the best way to address the issue, Staff recommends that the Commission follow a process that incorporates timelines that are similar to those set forth in WAC 480-09-530. This would make sense because the issues in this proceeding are issues that typically would arise in the negotiation or arbitration of interconnection agreements. In fact, the issue is pending in an arbitration proceeding currently before the Commission.

Very truly yours,



Shannon E. Smith  
Assistant Attorney General

cc: Service list

