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July 5, 2016

**VIA E-FILING**

Mr. Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Comments of the Washington Independent Telecommunications Association -  
Docket UT-160196

Dear Mr. King:

This letter will provide the comments of the Washington Independent Telecommunications Association (WITA) in response to the Notice of Opportunity to File Written Comments on Proposed Rules issued in Docket UT-160196. WITA is submitting comments on three specific issues.

1. WAC 480-120-440.

In WITA's first set of comments, submitted on or about April 4, 2016, WITA took the position that reinstatement of WAC 480-120-440 is not needed. Commission Staff stated in the Comment Summary Matrix that it disagreed. WITA still takes the position that the rule should not be reinstated.

The rationale offered by WITA in its April 4, 2016, comments was that competition is taking care of any issue related to customer treatment. Specifically, WITA pointed out that a company that ignores the needs of its customers will lose those customers. Staff stated that it disagreed and made the following statement in the Comment Summary Matrix: "Staff believes complaint history since the rule was [repealed] indicates a need for the rule." That statement struck WITA as very odd.

First of all, there was no information previously submitted in the Docket about complaint history related to the rule. Second, when WITA asked Commission Staff to provide the complaint history regarding the restoral rules involving WITA's member companies, Commission Staff responded that they could not find any violations. A history that shows no violations does not support reinstating a rule for WITA's member companies.

In addition, CenturyLink pointed out in its April 4, 2016 comments on this matter that the idea that the rule was inadvertently repealed in Docket UT-140680 is not supported. This is important because this is the rationale for reinstatement of the rule that was set out in the Preproposal Statement of Inquiry (CR 101). Specifically, the Commission stated as follows: "The Commission inadvertently repealed WAC 480-120-440 in that proceeding [Docket UT-140680], and the rule contained important service outage restoral requirements, as well as notice requirements related to plant outages." However, it is clear from the history of Docket UT-140680 as set out in CenturyLink's comments that the repeal was not inadvertent and was, in fact, intentional.

For these reasons, WITA respectfully requests that the rule not be reinstated.

2. WAC 480-120-021.

In reviewing WAC 480-120-021, a problem has been spotted related to the final clause of the definition of "Order date." That clause reads as follows: ". . . when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service." The problem which arises is that there may be some actions the applicant is required to take where the company will not know if the applicant has actually taken those actions.

To address this problem, WITA suggests that the final clause of the definition of "Order date" be revised to read as follows: "following completion of the actions required by the applicant, the order date becomes the date on which the company receives notice from the applicant of such completion, if the company has not already installed or activated service." This change will close the gap in the language that currently exists.

There are many actions that an applicant must take that involve interaction with the company. In those cases, that interaction would constitute the notice. However, there are some instances in which the applicant needs to take action where the company could be unaware that the applicant has finished that action if it does not receive notice from the applicant. There are two ready examples. One is where the applicant must obtain the easement from a third party. The company would have no way of knowing that the easement has been obtained until the

applicant notifies the company. The second is whether the applicant would like to move some landscaping that may be affected by trenching activities that the company intends to undertake. In those situations, which admittedly will not be many, the applicant would need to notify the company that the landscaping has been moved so that the company can proceed with its trenching.

3. Repealers: Equal Access Obligations/WAC 480-120-133.

WITA suggested in its opening comments that the Commission take action to conform the Commission's rules with steps taken by the FCC in Order No. 15-166 on equal access obligations. The response from Commission Staff in the Comment Summary Matrix is that this item is outside the scope of this rulemaking.

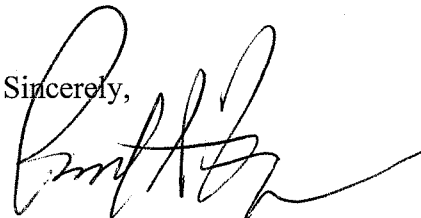
Given the narrowness with which the subject of possible rulemaking was described in the CR-101, WITA agrees with Commission Staff's observation. This is likely also true with CenturyLink's proposal that WAC 480-120-133 be considered for repeal.

The fact that the suggestions made by WITA and CenturyLink may be outside the narrow reading of the scope of this particular rulemaking does not address the substance of the suggestions. WITA respectfully suggests that the Commission open a new rulemaking to address the steps the FCC has taken regarding equal access obligations and CenturyLink's proposed repeal of WAC 480-120-133.

CONCLUSION

WITA welcomes the opportunity to submit comments and thanks the Commission in advance for its consideration of the foregoing comments.

Sincerely,



RICHARD A. FINNIGAN

RAF/cs

cc: Member (via e-mail)