

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to Consider Adopting a Rule  
in WAC 480-120, Telephone Companies,  
Relating to Standards for Restoring  
Regulated Telecommunications Services  
Following an Outage and Customer  
Notification of Planned Service  
Interruptions

DOCKET UT-170031

ORDER 01

ORDER DISMISSING  
RULEMAKING

**BACKGROUND**

- 1 On February 3, 2017, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider adopting a rule to address repair standards for service interruptions and impairments, excluding major outages. The Commission contemplated that the rule would require companies to restore service following outages, other than major outages, within a specific period of time absent circumstances beyond the company's control that preclude restoral within that time period.
- 2 On March 6, 2017, and September 11, 2017, the Commission received written comments on the proposed rules from stakeholders, including CenturyLink, Frontier Communications Northwest, Inc., the Washington Independent Telecommunications Association, AT&T Corporation, MCI, and the Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel). Public Counsel supports the proposed rule. All other commenters oppose adoption of the proposed rule, contending that it is unnecessary, unfairly burdens regulated landline companies, and is inconsistent with the Commission's minimal regulation of telecommunication companies.

**DISCUSSION**

- 3 We agree with the majority of commenters that an additional rule or rule language to address repair standards for service interruptions and impairments is not necessary at this time. In the prior rulemaking in Docket UT-160196, we found that service restoral has not been a significant issue since the Commission repealed WAC 480-120-440 and that WAC 480-120-411 provides sufficient grounds to require that local exchange companies

promptly restore service in the event of an outage.<sup>1</sup> The information Commission staff has compiled since then shows that continues to be the case. Additional rule language might further clarify that obligation, but in the absence of a material increase in customer complaints or other indications of a decline in timely service restoral, the existing rule appears to be adequate.

- 4 We adhere to our prior conclusion that “[f]air, just, and reasonable telecommunications service includes an obligation to restore service following an outage as expeditiously as practicable.”<sup>2</sup> WAC 480-120-411(c) requires each local exchange company to “[p]romptly repair or replace broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service.” We continue to interpret “promptly repair or replace” in this context to require companies to restore service within 48 hours of an outage in the absence of extenuating circumstances beyond the company’s control. We will rely on this rule as so interpreted unless and until the Commission has reason to believe that it should adopt more detailed and prescriptive language.

**ORDER**

- 5 THE COMMISSION ORDERS That the rulemaking in this docket is dismissed, and the Commission will withdraw the CR-101.

Dated at Olympia, Washington, and effective December 18, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner

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<sup>1</sup> *In re Amending and Repealing Certain Rules in WAC 480-120*, Docket UT-160196, General Order R-587 ¶ 16 (Sept. 22, 2016).

<sup>2</sup> *Id.* ¶ 18.