

June 25, 2001

Carole Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250

Re: UT-990146 - Definitions

Dear Ms. Washburn:

The purpose of this letter is to provide the initial comments of the Washington Independent Telephone Association ("WITA") concerning the draft definitions for the WAC 480-120 rulemaking.

As an initial comment, there appears to be inconsistent use of terms throughout the definitions. For example, at some points the reference is to "company" and at other points it is "telecommunications company." WITA suggests that the reference be consistent.

Another set of inconsistencies has to do with references to OSPs. It appears that at some points different terms are used to describe OSPs. WITA again suggests that the use of terminology be consistent.

As an overall concern, these comments are addressing the draft definitions largely on their face. It is also important to review the draft definitions in the context of each proposed rule in which it may be used. This is the only way to be sure the definition is serving its intended result.

The following comments will address specific proposed definitions.

WITA suggests the definition of "Access code" be rewritten to read as follows: "means a sequence of numbers that, when dialed, connect the caller to the OSP associated with that sequence." The purpose of this suggestion is to address the consistent use of terminology.

WITA suggests the definition of "Access line" be rewritten as follows: "means a circuit between a customer's demarcation point and a serving switching center." The purpose of this suggested change is to use the term "demarcation point" which appears to be the defined term, rather than "point of demarcation."

WITA suggests that the definition of "Automatic location identification/data management system" be deleted given the changes that appear to be occurring in the rules related to PSAPs and reverse searches.

The definition of "Business" needs some work. One approach could be to define the terms "person" and "entity" and use those as internal references in the other definitions. As an alternative, the term "Business" could be defined as follows: "means a for profit or not for profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, and other entities or associations."

Does the definition of "Business office" need to reference that they are located within the state of Washington?

The definition of "Business service" is set up to be anything that is not residential service. While it might be apparent what is meant, there is no definition of residential service. There is a definition of "Residential" which is defined as "means service to a residence." However, it is not at all clear from that definition what the negative of residential service contains.

In the definition of "Central office", the term "telephone" should probably be deleted. WITA also suggests that rather than using the term "serving telephones in a defined area", it be written to read "serving customers in a defined area."

The term "Centrex" is defined as providing a "subscriber" with the described service. In the substantive rules, the term "subscriber" is being changed to "customer." In addition, there is no definition of the term "subscriber" in the proposed rules. WITA suggests that the term "customer" be used.

In proving that there is always an exception to a rule, while normally the term "company" should be used within the definitions, WITA believes that for

the definitions of "Class A Company" and "Class B Company", it should refer to "local exchange company."

Turning next to the definition of "Company", WITA suggests the following definition:

"means any corporation, association, partnership or other entity, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telecommunications plant within the state of Washington for the purpose of furnishing telecommunications service to the public for hire and subject to the jurisdiction of the commission."

WITA suggests that the definition of "CLEC" be modified to read "means a local exchange company which is competitively classified." The term "local service provider" is not defined. The term "local exchange company" is defined.

WITA suggests that the term "telecommunications" be deleted as a modifier in the definitions of "Competitively classified company" and "Customer".

The definition of "CPNI" appear to come from the FCC's use of that term. The FCC uses the word "carrier" rather than "company." To be consistent for Washington State purposes, WITA suggests that the terms "telecommunications carrier" and "carrier" be replaced with the term "company."

Should "Demarcation" be "Demarcation point"? See the terms used in the "Standard network interface" definition.

The terms "Disconnect; disconnection; disconnected" are defined in a way which relates to the end of a call. It does not make sense to use this definition when dealing with customer disconnection under such things as WAC 480-80-061 and WAC 480-80-081.

Under the definition of "Emergency calling", is it still necessary to include "dialing a local number to police and/or fire where 911 is not available"? 911 and E911 are available statewide.

WITA suggests the term "Exchange" be defined as "means a specific geographic area established by a company for telecommunications service within that area."

The definition of "Force Majeure" as proposed in the draft definitions is overly restrictive. In contract law, the term "force majeure" is often defined somewhat along the following lines:

Including, but not limited to, acts of nature, acts of civil or military authority, embargoes, epidemics, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, labor disputes, strikes, power blackouts, volcanic action, other major environmental disturbances, unusually severe weather conditions, inability to secure products or services of other persons or transportation facilities or acts or omissions of transportation carriers.

The definition of "ILEC" poses a problem for companies that are serving areas that have not been served before. If a company first appears in Washington to serve an unserved area, it does not meet this definition. Yet in the dichotomy of ILEC versus CLEC, it is not a CLEC.

In reviewing the definition of "Interexchange company", there appear to be some ambiguities. The definition uses the term "basic local service." Is this the same, or different from, the defined term "Basic service"? Should the term be "Exchange service"? What is the purpose of the qualifier "or division thereof"?

The term "LATA" is defined as "a local access transport area as defined by the commission." WITA recognizes this is the definition in RCW 80.04.010. However, has the Washington Commission defined LATAs for purposes of this definition?

The definition of "Local exchange telecommunications service" is proposed to mean "local switched access service, exchange access service, and private line service." Why should this definition include private line service? Most private line service is interexchange in nature. There are limited examples of intraexchange private line service, in the form of burglar alarms and such, but they are far more outnumbered by the interexchange private line services. Does this mean that if a company provides private line service of any nature it is providing local exchange telecommunications service? For purposes of this definition, what is "local switched access service"? Is that different than switched access service provided to interexchange carriers? What is meant by "exchange access service" in this context? There is no reference that this term, local exchange telecommunications service, is used in any rule, as there is for most of the other definitions. Is this a term that even needs to be defined?

WITA suggests that the term "or other entity" be added to the definition of PSP.

The proposed definition of the term "Premise" is "means land and the buildings on it." This definition is too broad. Taken literally, it means that a single premise is the entire geographical extent of the state of Washington. Should the reference be to land divided into a lot or other legal division of land? Perhaps what can be used is "parcel of land." In any event, this definition needs further clarification.

In the definition of "Prepaid calling services", the acronym "PPCS" is used, but is not defined.

The term "Private rights-of-way" are defined as "those that have been ascertained not to be public." Ascertained by whom?

The term "Regulated charges" is defined for purposes of WAC 480-120-081. However, the definition does not include charges in a price list. Does this mean that charges from a price list are not subject to the provisions of WAC 480-120-081?

Based upon changes that have been made to the substantive portion of the rules, it appears that the term "Reseller" may be deleted. WITA also suggests that the term "Reverse search of ALI/DMS data base" be deleted.

WITA suggests that for clarity, the term "Standard network interface" be defined as follows:

"means the protector that generally marks the point of interconnection between company facilities and customer's terminal equipment, protective apparatus or wiring. The demarcation point is located on the customer's side of the company's standard network interface, or the equivalent thereof in cases where such is not employed."

WITA suggests that the term "customer" be used instead of "subscriber" in the definition of Station.

WITA suggests that the definition of "Telephone exchange service" be deleted. It apparently is not used anywhere within the rules.

WITA suggests the term "Traffic" be defined as "means telecommunications traversing the telecommunications network, normally used

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in connection with the measurement of capacity of various parts of the network."

WITA suggests the term "Utility" be deleted. The rules are being modified to use the term "company." Therefore, it does not appear necessary to have the term "utility" as a defined term.

Thank you for your consideration of these comments.

Sincerely,

RICHARD A. FINNIGAN

RAF/ej

cc: Terry Vann  
Member Companies  
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