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January 23, 1998

VIA FEDERAL EXPRESS

Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

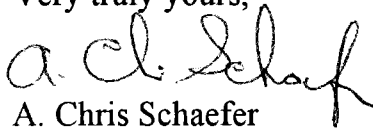
Re: Docket No. UT-970723

Dear Secretary:

On January 15, 1998, Puget Sound Energy, Inc. submitted comments in the above docket. Attached are an original and 15 copies of a revised page 13 to those comments, along with a blacklined version for your convenience. Please replace the original page 13 with the attached page.

We apologize for any inconvenience. If you have any questions, please call me at (425) 453-7309.

Very truly yours,



A. Chris Schaefer
Paralegal

ACS:acs
Enclosures

cc: Interested Persons on Service List

{07772-0651/BA980230.025}

be unrecovered. The formula which results from the FCC rulemaking presumably reflects, and is designed to recover, all of the costs associated with providing the service. Those costs having been determined, there is no basis for not allowing those costs to be recovered promptly. Prompt implementation is warranted, if not required by law. Although TCI may claim that a phase in is necessary to remove entry barriers, any protection (i.e., subsidy) contemplated for "entrepreneurs and other small businesses" would be inappropriate if extended to TCI.

2. The Commission in this Proceeding Should Not Adopt Federal Rules "As Such Rules May be Revised from Time to Time in the Future"

It has been suggested in this proceeding that the Commission should not only adopt the FCC's currently existing standards for pole attachments, but should indicate that it will automatically adopt the FCC's standards for pole attachments "as such rules may be revised from time to time in the future." Additional rules should not be adopted without undertaking an independent rulemaking process. Although the Washington Administrative Procedure Act, Ch. 34.05 RCW, does allow an agency to adopt federal standards without following all the prerequisites of a formal rulemaking in certain limited circumstances,⁸ it would be unwise to follow such a procedure in the case of pole attachment rates, where local interests may diverge from those considered at the Federal level. The subject matter of any state rules regulating pole attachments standards in Washington state is distinct from the conduct regulated by the FCC's standards on pole attachments. Abandoning formal rulemaking procedures would prevent the local input that is necessary in formulating pole attachment standards that is achieved by allowing all interested parties notice of the rule and an opportunity to be heard on the validity of the FCC standards as applied to pole attachment

⁸ See, e.g. RCW 34.05.310(4)(c); RCW 34.05.328(5)(a)(iii), where rulemaking requirements are waived where the federal standards "regulate[] the same subject matter and conduct as the adopting or incorporating rule."

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