

September 19, 2001

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

Re: Rules Workshop
September 19, 2001

To the Commissioners and Staff of the Washington Utilities and Transportation Commission:

I would like to take this opportunity to thank the commission for inviting me to attend the September 19th workshop. As I expressed during the proceedings, there were two apparent issues in regard to which I found the projected rules to be inadequate.

- 1) The issue of installation time that the Commission achieves to be primary does not address to capability and quality of service. Wherein the latter two considerations exist, i.e. the communications environment is not usual and ordinary in consideration to proven history, the projected response time does not allow the company or the client to make intelligent decisions regarding either the necessity or opportunity to achieve input from the primary or subsidiary vendors in regard to alternate and/or advanced internal configuration.
- 2) The issue that to fine the Company to the client's advantage in consideration to failure to meet a projected schedule may not be appropriate given specifics.

I would suggest, however, that there are issues that do present themselves.

- 1) Discriminatory service for which there is achievable historical background,
- 2) Technically inadequate service wherein there is adequate historical record,
- 3) Substantially inappropriate behavior evidenced by Company personnel,
- 4) Inappropriate marketing techniques,
- 5) Forced sale of a product that is potentially not "market ready,"
- 6) Potential intent to defame, defraud and/or conceal,
- 7) Billing charges that:
 - a) Are not reflective of those advertised in consideration to the consumer product/service that was marketed to the end-user client,
 - b) Evidence questionable intent in consideration to the product marketed,
 - c) Evidence a provable and continued error level.
- 8) What may potentially be achieved to be intentional damage or removal of product and/or property—real or intelligent—owned by the end-user consumer.

I personally believe the industry has become extremely sophisticated to a variety of issues, none of which are based in telephony. Prior to the early 90s, vendor participators within the communications industry were required to apolitical and non-discriminatory conduct. Perhaps the key issue in responding to the end user

environment regardless its source is for the Commission to consider whether or not, and on what basis, to rule in this specific regard. It is a particularly critical issue in this State because of the presumed monopolistic position enjoyed by QWest, previously U. S. West. That is exclusive to continuous and outstanding litigious issues amongst current and prior industry participants.

There is the additional issue that multiple vendors should potentially be held responsible to their service, equipment and technology, i. e. the marketed end user product. If the issue is a primary provider whose technical configuration conflicts with that of a subsidiary provider, there is the potential to create the type of customer complaint I experienced. The question is whether or not the environment is (1) intentionally created, (2) allowed to continue beyond reasonable expectations, (3) implemented opportunistically to the inconvenience and expense of the end user customer. If so, the additional question arises regarding whether a rule exists to address the potential or its proven occurrence in regard to the Commission's capability to discipline accordingly, and in an expeditiously appropriate manner. If not, and the "Guiding Principles" are intended to alleviate those conditions, they are by all means appropriate—but also potentially woefully inadequate to conditions that may actually exist.

Once again, I would like to express my thanks for the opportunity to address the Commissioners, and to become familiar with WUTC procedures.

Very truly yours,