

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making
Proceeding Related to the Washington
Telephone Assistance Program

DOCKET NO. UT-003074

**Comments of
Public Counsel
Attorney General of Washington**

May 4, 2001

Public Counsel files these comments in response to the Commission's April 17, 2001 Notice of Opportunity to File Written Comments. Our comments focus on two issues:

(1) Participation in Washington Telephone Assistance Program (WTAP) by telecommunications companies; and (2) outreach and enrollment.

1. Participation in WTAP by telecommunications companies (WAC 480-122-020)

Public Counsel appreciates Staff's proposed modifications from the previous draft. We support the proposed language that requires ETC's to offer WTAP and allows wireless carriers that are not ETC's to offer WTAP. We recognize Staff has shown flexibility by moving away from the ten-percent threshold for non-ETC carriers in earlier drafts, but have the same legal concerns with the proposed new threshold of 100 access lines that we raised in our earlier comments. As a matter of law, we question whether this draft language comports with the statutes governing WTAP, which state in relevant part:

“The commission shall establish a single telephone assistance rate for all local exchange companies operating in Washington.”

RCW 80.36.420 (a).

Thus, we question whether it is legally appropriate for the Commission to establish a threshold level of this kind, whereby only certain local exchange carriers—those with 100 or more of their access lines subscribed to for residential service—would be required to make a WTAP offering.

As a matter of policy, we believe that customers of all of the local exchange companies should have the opportunity to participate in WTAP if they meet the program eligibility requirements. Public Counsel would instead recommend that all LECs participate in WTAP, but carriers could have the option of seeking a *De Minimus* waiver from the Commission, if the WTAP offering would be unduly burdensome for the carrier. We understand the concerns raised by carriers that only ETC's are eligible for federal reimbursement, thus putting the burden for full reimbursement on WTAP in cases where the telecommunications provider was not a ETC. However, given the current status of WTAP, and the small number of customers likely to receive service from a non-ETC carrier and be eligible for WTAP, we believe the proper balance of interests would be to provide the customer the benefit of the program.

2. Outreach and Enrollment

We incorporate by reference our earlier comments in this docket, supporting additional outreach efforts and automatic enrollment practices designed to increase participation in WTAP. In addition, we note the FCC has required ETCs to “publicize the availability of Lifeline and Link Up services in a manner reasonably designed to reach those likely to qualify for those services.”¹ Public Counsel suggests the Commission require ETCs to make a presentation as to their efforts to comply with the FCC order. We believe such a presentation could be done within

¹ Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, CC Docket No 96-45, FCC 00-208 (released June 30, 2000), para 79.

the current rulemaking in a workshop forum, and would benefit all participants. It would by provide companies the opportunity to share lessons learned and best practices while providing other stakeholders with a better understanding of the companies' efforts, successes, and any barriers that exist.