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Embarq Corporation  
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Hood River, OR 97031  
EMBARQ.com

November 3, 2006

Carole Washburn, Executive Secretary  
Washington Utility & Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Docket No. UT-060676 – Rulemaking to Consider Price List Elimination

Dear Ms. Washburn:

Pursuant to the Commission's October 16, 2006 Notice of Opportunity to File Written Comments in the above-referenced docket, United Telephone Company of the Northwest dba Embarq ("Embarq") provides the following supplemental comments.

Embarq appreciates staff's elimination of the proposed rules that would have required companies to maintain price listings despite the passage of SB 6473, which eliminated that requirement from the statutes. Embarq has no objection to staff's amended WAC 480-120-266(2) which would compel companies to post information regarding competitive services on their websites.

Embarq continues to recommend that the Commission either eliminate the proposed WAC 480-120-266(b) and (c), or alternatively, substitute the wording from RCW 80.36.330(4) for the reasons cited in our August 22, 2006 comments. Not only is the term "ambiguous" itself ambiguous, but the presumption that any ambiguity should be construed in favor of the complainant creates a different standard from the statute. If the Commission does not eliminate the rule, Embarq's proposed amendment to staff's proposed rules would be:

~~(b) The commission will, when appropriate, investigate or complain against a rate, term or condition provided pursuant to competitive classification.~~

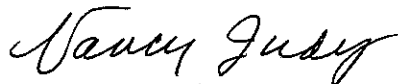
~~(c) If the commission determines that a rate, term or condition for service offered pursuant to competitive classification is ambiguous, there is a rebuttable presumption that the ambiguity should be construed in the favor of the customer. The commission may investigate prices for competitive telecommunications services upon complaint. In any complaint proceeding initiated by the commission, the telecommunications company providing the service shall bear the burden of proof of proving that the prices charged cover cost, and are fair, just, and reasonable.~~

Nancy L. Judy  
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Embarq appreciates the opportunity to comment on the proposed rulemaking, and thanks the Commission for its consideration of our recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Judy".

Nancy L. Judy