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VIA E-FILING

Mr. Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

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State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Response to COVID-19 Pandemic--Docket U-200281

Dear Mr. Johnson:

By notice dated September 17, 2020, the Washington Utilities and Transportation Commission (“Commission”) issued a Notice of Opportunity for Comment (“Notice”) in the above referenced docket. This letter will serve as the comments of the Washington Independent Telecommunications Association (“WITA”) on behalf of its members.

In the Notice, the Commission calls for comments on certain “term sheets” that have been issued as part of the this docket. There is a Commission Staff term sheet, a joint utilities term sheet and a joint advocates term sheet.

The term sheets were developed as a result of a process of which WITA was unaware. The process that led to the development of the terms sheets appears to have been focused on the energy utilities (electric and natural gas).¹ WITA’s members did not participate in that development process.

The term sheets refer to the entities that are subject to the term sheets as “Utilities.” However, the term is not defined. That term is a general term that appears on its face to encompass telecommunications companies subject to the Commission’s jurisdiction. However, once the substance of the term sheets are reviewed, it is clear that the focus is on the energy utilities. The term sheets have a number of requirements, including establishing an assistance program at a funding level of one percent of Washington retail revenues. The term sheets also have cost recovery programs that involve deferred accounting, which is a concept that is fairly common in the energy sector and is not commonly applied to the telecommunications sector.

¹ The undersigned attended the initial public meeting. However, I was not an active participant since the workshop seemed to be focused on energy utilities.

WITA respectfully requests that the Commission clarify the term “Utility” as used in the terms sheets in this docket does not include telecommunications companies. There are several reasons why this clarification should be made:

- Telecommunications is a highly competitive industry, most of which is not subject to the Commission’s regulation. To impose additional costs on a small portion of the industry and not on other portions of the industry is putting the regulated sector at a competitive disadvantage.
- Telecommunications companies do not have cost recovery mechanisms that resemble those contained in the term sheets and generally do not engage in deferred accounting.
- The Commission lacks the authority to require the type of reporting that is contemplated in the term sheets for those telecommunications companies that are WITA’s members. See RCW 80.04.530(2).
- The telecommunications companies were not invited to participate in the term sheet development process and did not participate in the process that led to the creation of the term sheets. Imposition of the conditions in the term sheets under such conditions would be unfair.
- Many of WITA’s members are locally owned companies that have owners and managers that live in the same communities that they serve. There is a close relationship with the customers and much of what is set forth in the term sheets is simply unnecessary.

Based on the foregoing, WITA respectfully requests that the Commission issue the clarification that the term “Utility” as used in the term sheets in this docket does not encompass telecommunications companies, or, at the very least, WITA’s members.

Sincerely,



RICHARD A. FINNIGAN

RAF/cs

cc: Client (via e-mail)