



**PREPROPOSAL STATEMENT OF
INQUIRY**
(RCW 34.05.310)

CR-101 (7/10/97)
Do **NOT** use for expedited repeal or adoption

Agency: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Subject of possible rule making: Exploring the need for rules governing procedural and substantive requirements to implement Section 252(i) of the federal Telecommunications Act of 1996 (Telecom Act) and FCC Rule 51.809, generally known as the interconnection "pick and choose" provisions. Docket No. UT-990391.

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040(4); RCW 80.04.160

(b) Reasons why rules on this subject may be needed and what they might accomplish: The Commission has issued a Draft Interpretive and Policy Statement, in Docket UT-990355, in order to establish guidelines for parties seeking to "pick and choose" terms and conditions pursuant to Section 252(i) of the Telecom Act and FCC Rule 51.809. The Commission may formally adopt the Interpretive and Policy Statement after giving consideration to all comments. The Federal Communications Commission specifically requires that the incumbent carrier shall make available provisions of any interconnection agreement "without unreasonable delay". The Commission may use the principles set forth in its Interpretive and Policy Statement in the development of its opinions and judgements regarding interconnection agreements that come before it.

Currently, the Commission does not have rules specifically addressing the pick and choose provision of the Telecom Act. This inquiry is intended to determine whether there is a need for Commission rules on the subject in light of the Commission's Interpretive and Policy Statement and if so, what the rules should provide.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Pertinent Federal law and Federal Communications Commission regulations will be considered in this Docket. Section 261(c) of the Telecom Act allows for a State to impose requirements on a telecommunications carrier for intrastate services that are necessary to further competition as long as the State's requirements are not inconsistent with the Telecom Act or the FCC's regulations to implement the Telecom Act. The Commission will pursue consistency with the federal provisions.

(d) Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The Commission will ask for initial written comments, and will provide the opportunity for additional comments. The Commission has scheduled a workshop on December 16, 1999 to discuss the issues with interested persons.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)
SEE ATTACHED.

CODE REVISER USE ONLY

*File with Code Reviser's Office
October 29, 1999 @ 2:11 p.m.
WSR No. 99-22-044*

NAME (TYPE OR PRINT)
CAROLE J. WASHBURN

SIGNATURE

TITLE
SECRETARY

DATE
10/29/99

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET NO. UT-990391

(e) Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150). Persons may submit comments, as specified below, or may ask to be included in the Commission's list of interested persons for the proceeding. The Commission will post on its Internet web site at <<http://www.wutc.wa.gov>> all comments that it receives in digital format and a schedule and other information about this rulemaking.

WRITTEN COMMENTS

Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rulemaking may be filed with the Commission Secretary, referencing Docket No. UT-990391, not later than **December 3, 1999**.

All commenters should address the issue of whether Commission rules are necessary to implement Section 252(i) of the Telecom Act and FCC rule 51.809. If rules are needed, commenters are asked to provide substantive language for the proposed rules. In the event the comments filed by interested persons are similar or identical to comments filed in the response to the draft Interpretive and Policy Statement in Docket UT-990355, commenters may reference the appropriate comments. The Commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation.

All commenters are asked, but not required, to file an original and 10 copies of their written comments. The Commission also requests, but does not require, that comments be provided on a 3½ inch IBM formatted high-density disk, in WordPerfect version 6.1 or later, labeled with the docket number of this proceeding and the commenter's name and type of software used. Interested persons may also send written comments by electronic mail to <records@wutc.wa.gov>.

NOTICE OF WORKSHOP

A workshop will be held on **December 16, 1999**, beginning at **9:30 a.m.**, in the Commission's Hearing Room, **Room 108**, First Floor, Chandler Plaza, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, on a first come first served basis. Persons wishing to attend via the teleconference bridge line must contact Nancy Moen at 360-664-1140 no later than 5:00 p.m., December 13, 1999. Questions may be addressed to Kathy Folsom at 360-664-1279 or e-mail at <kfolsom@wutc.wa.gov>.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING

-- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UT-990391, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. UT-990391, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the Commission's Internet web site at

<http://www.wutc.wa.gov/>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**