

February 4, 2005

Via Electronic Mail

Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98502-7250

**Re: Docket No. UT-041629 – CR 101 Considering Amendment of
WAC 480-120-450**

Dear Executive Secretary Washburn:

This responds to the January 14, 2005 Notice of Opportunity to Comment in the above referenced docket. The following is Eschelon Telecom, Inc.'s response to the questions of the Commission Staff.

Questions:

1. What are the policy reasons for treating wireline and wireless carriers differently or alike for purposes of recovery from PSAPs of the cost of transport to the selective router (WITA page 2)?

Eschelon: Wireline and wireless carriers should be treated alike for transport recovery costs from PSAPs. Although there may be technology differences between the two types of carriers with respect to identifying the calling party or the calling party's location, as an economic matter, the cost of transport to the selective router ("SR") is likely to be the same for both types of carriers.

2. How is the recovery of E 911 implementation costs and specifically transport to the selective router, presently handled with respect to customers of competitively classified telecommunications companies?

Eschelon: Eschelon incurs facility costs to get its 9-1-1 trunks to the selective router. Eschelon considers this a cost of doing business and includes it in its

calculations to determine the rates it charges end user customers. To the extent that ILECs are permitted to recover any of these costs from the PSAP, principles of competitive neutrality dictate that CLECs likewise be allowed to recover such costs from the PSAP.

- a. What are the policy reasons for treating ILECs and CLECs differently or alike for purposes of recovery of the cost of transporting E 911 calls to the selective router?

Eschelon: Ideally, there would be no basis to distinguish between ILECs and CLECs for purposes of cost recovery for transport to the selective router. However, in many cases, the ILEC is the only provider of 9-1-1 Selective Router Services. It is important that the Commission ensure that the ILEC not double recover the costs of such transport – via charging the CLEC for transport costs and then recovering those same costs from the PSAPs. The Commission also must ensure that the PSAP does not recover the transport costs from the ILEC (who will pass the costs to the CLEC) and then recover those same costs again from the CLEC.

- b. Do competitive considerations favor treating CLECs and ILECs alike with respect to recovery of E 911 service costs?

Eschelon: See answer to 2.a above.

- c. Should CLECs be entitled to charge PSAPs for the cost of transport to the Selective Router? If so, would those charges be subject to tariff or price list regulation; what kind of regulation should they be subject to?

Eschelon: LECs, including CLECs, should NOT be entitled to charge PSAPs for the cost of transport between an end office and the Selective Router (“SR”). PSAPs should pay for the transport between the SR and the PSAP and for the SR service. LECs should pay for the transport from the LEC switch to the SR and for the terminations on the SR. PSAPs do not determine how a LEC transports its traffic and therefore should not bear the cost incurred. The PSAP does influence the cost of the transport by its design and use of multiple trunk groups to assure a robust 9-1-1 network. The PSAP requirements are not selectively applied; they apply to all LECs. A CLEC reviews all cost of providing service in a geographic area and the cost to transport 9-1-1 would be one of the costs considered. To the extent, though, that the mechanism adopted by the WUTC does contemplate

CLEC recovery from the PSAPs for transport to the SR, those charges should be able to be implemented via price list, and should not require cost study support or tariffing.

3. Please comment on EMD's statement at page 3 that:

Technology has changed and new providers have entered the telecommunications market, each making decisions on market service territory and call transport technology. These new providers may have switches in other states and ILECs have consolidated SRs to the point that only ten SRs serve Washington State. Therefore, the PSAPs should not have to pay for any connections on the telecommunications company side of the SR.

Eschelon: Eschelon believes, generally, that since an individual PSAP serves a clearly defined area local to it, a PSAP should not have to pay a provider for connectivity. It would be equitable to compromise such that the PSAP would pay for the cost of transport up to the boundary of the area the PSAP serves. Each LEC then would pay for the rest of the circuit from that boundary point back to their switch. However, to the extent that ILECs recover the costs of PSAP connections via tariff, CLECs likewise should be able to recover the costs of building transport to the SR.

- 4 In reference to the statement in EMD's comments on page 2 that

The WUTC has established access to emergency services (E911) as a basic service to be supplied for voice grade telecommunications customers.

- a. Could ILECs recover the cost of transport to the selective router (SR) as part of basic service costs in the general rate base?

Eschelon: Eschelon is not familiar enough with specific cost recovery methods of the ILECs to opine.

- b. Assuming that the cost of transport to the selective router was no longer recoverable through PSAP tariffs, could rural carriers obtain reimbursement from Universal Service Funds for transport to the selective router as part of the Basic Services requirement? (State Universal Service Fund)

Eschelon: Eschelon is not familiar enough with specific cost recovery methods of rural carriers to opine.

5. In reference to the statement in EMD's comments on page 2:

The Federal Communications Commission has also established E911 as the standard for access to emergency services (Attachments A&C). These standards apply to carriers offering local services regardless of the nature of the technology utilized or the regulatory classification of the company.

What cost reimbursement is there for access to emergency 911 services as part of the FCC's basic service requirements as part of the high cost support under the federal Universal Service Fund?

Eschelon: Eschelon lacks sufficient knowledge to answer this question at this time, but reserves the right to update these comments or to file reply comments or ex parte communications to address the Commission's question here.

6. For your company (or companies), how much of the cost of E 911 service is attributable to transport from the end office to the selective router (either in terms of total dollars in Washington, or as a percentage of costs that you currently recovery through rates and charges paid by PSAPs?

Eschelon: Virtually all of Eschelon's costs for E911 service is attributable to the cost of transport from the end office to the SR. Eschelon does not recover from the PSAP any of Eschelon's cost for the transport between its switch and the PSAP.

7. Please address the comments filed by others in the docket.

Eschelon: As described variously throughout its responses to the questions above, Eschelon believes that cost recovery mechanisms related to 911 and E911 service should be carrier neutral and that all carriers should be treated alike with respect both to the costs they incur and the means of recovery of those costs. To

Carole J. Washburn
February 4, 2005
Eschelon Comments Page 5

that end, any such cost recovery currently permitted to ILECs should be available to CLECs as well, and Eschelon supports Commission action via rulemaking to address issues of carrier neutrality in 911 and E911 cost recovery by ILECs and CLECs.

Sincerely,

/s/ J. Jeffery Oxley/for
Russell C. Merbeth
Associate General Counsel
Eschelon Telecom, Inc.
1200 – 19th Street N.W.
Suite 500
Washington, D.C. 20036
202.955.9605 (Voice)
202.955.9792 (fax)
rcmerbeth@eschelon.com