

November 14, 2006

VIA ELECTRONIC FILING

Carole Washburn, Secretary

Washington Utilities and Transportation Commission

1300 S. Evergreen Pk. Dr. S.W.

PO Box 47250

Olympia, WA 98504-7250

Re: Rulemaking to Consider Rules Eliminating the Requirement that
Telecommunications Companies File Price Lists, Chapters 480-80, 480-120, and 480-
121 WAC, Docket No. UT-060676.

Dear Ms. Washburn:

Please excuse our use of email for filing our comments in this matter. Due to the administrative pressures of two general rate case briefs, our support services are overtaxed. Public Counsel offers the following comments for consideration.

In the current rules, it seems that the term “price list” had been used as shorthand for other concepts. *See*, Amended WAC 480-120-061 (rates, terms and conditions). Where the term had been used as shorthand, the rule amendments appear to remove the words “price list” and substitute the underlying concept. *Id.*

Reviewing amended WAC 480-121-020, the term “price list” is removed without any substitution. As amended, the rule could be read to say that a newly registered, competitive company need not tell the Commission about its list of services. Nor would the company be required to state any of its initial charges for its competitively classified services. Therefore, we raise whether a substitution is necessary. The substitute language could be incorporated as follows:

AMENDATORY SECTION (Amending General Order No. R-499,
Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-121-020 Requirements for applications for registration(~~(7)~~) and petitions for competitive classification(~~(7 and initial price lists)~~). (1)
Applications for registration and petitions for competitive classification must be in the form prescribed by the commission.

(2) Applications for registration:

(a) Must be filed with a petition for competitive classification (and a list of its services and initial service charges) (~~and an initial price list~~) unless applicant will not be subject to effective competition;

(b) Must comply with the rules set forth in chapters 480-80 and 480-120 WAC;

(c) Must be filed at the office of the commission in Olympia, Washington; and

(d) Will be assigned a docket number. All documents subsequently filed in the matter must bear that docket number.

(3) The commission may require, with or without hearing, that an applicant for registration clearly show:

(a) Adequate financial resources to provide the proposed service;

(b) Adequate technical competence to provide the proposed service; and

(c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

(4) The commission may request that an applicant provide information regarding the applicant's regulatory performance in other states where it operates.

Thank you for the opportunity to comment. We look forward to participating in future discussions in this rulemaking.

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