

Qwest

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Via E-mail

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & 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
Qwest's Third Set of Comments

Dear Ms. Washburn:

On June 30, 2006, Qwest submitted its initial comments in this matter, recommending edits to current rules to comply with amendments to Chapter 80.36 RCW that became law on June 7, 2006. The new law, SSB 6473, eliminated price lists for competitively classified services. As such, the Commission may no longer accept or require such filings, and companies are no longer authorized to make them.

On July 27, 2006, the Commission issued a CR-102, notifying interested persons of an opportunity to comment on the Commission's proposed rules, and of the Commission's intent to hold a rule adoption hearing on September 13, 2006. On August 23, 2006, Qwest submitted its comments regarding the Commission's proposed amendments and new rules.

On October 16, 2006, the Commission issued a Supplemental CR-102, notifying interested persons of an opportunity to comment on the Commission's revised proposed rules, and of the Commission's intent to hold a rule adoption hearing on December 13, 2006.

Qwest hereby submits its comments regarding the Commission's revised proposed amendments and new rules. In sum, Qwest believes that most of the amendments are necessary to implement the new law, but believes that in some cases further changes are required to more clearly indicate

the intent of the rules. Further, although improved from the initial draft of proposed rules provided for review on July 27, 2006, Qwest believes that the revised proposed WAC 480-120-266 still runs afoul of the new restrictions on the Commission's authority to require price lists or to otherwise control the method by which carriers offer services to and communicate with their customers.

Comments regarding specific rules:

WAC 480-120-061 Refusing service.

The proposal removes the reference to "price list" in the rule and replaces it with a reference to ". . . rates, terms, and conditions pursuant to competitive classification".

Qwest believes such a reference is necessary because SSB 6473 did not affect the application of WAC 480-120-061 to competitively classified services. Qwest does recommend that the reference be made clearer by restating it as follows:

" . . . rates, terms and conditions of services provided pursuant to competitive classification . . ."

WAC 480-120-172 Discontinuing service - - Company initiated.

Qwest recommends that the specified proposed language in the rule be modified as follows to make it grammatically consistent with the rest of the rule. The proposed language currently reads:

"(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if:

(a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or rates, terms and conditions of competitively classified services;

* * *

(c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or rates, terms and conditions of competitively classified services . . ."

Qwest recommends the following changes:

- “(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if:
- (a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or ~~rates,~~ terms and conditions of competitively classified services;

 - (c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or ~~rates,~~ terms and conditions of competitively classified services . . .”

WAC-120-264 Prepaid calling services.

Qwest recommends that the specified proposed language in the rules be made clearer and grammatically consistent with the rest of the rule. The proposed language currently reads:

“(3)(b) At the customer’s request, PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those on file on tariff with the commission or at rates, terms and conditions pursuant to competitive classification.”

Qwest recommends the following changes:

“(3)(b) At the customer’s request, PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those in tariffs on file ~~on tariff~~ with the commission or at rates, ~~terms and conditions~~ for services provided pursuant to competitive classification.”

WAC 480-120-266 Rates, terms and conditions for telecommunications services provided pursuant to competitive classification.

Although Qwest appreciates the modifications made to this rule from the initial draft, it believes that its August 23rd comments are still relevant and hereby includes those comments by reference. Specifically, (1)(c) should be deleted in its entirety, and (2), while less explicit than the prior version, still appears to set forth Commission requirements in connection with the communication of information about competitively classified services that are beyond the Commission’s current authority.

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WAC 480-120-161 Form of bills.

WAC 480-120-263 Pay phone service providers (PSPs).

WAC 480-120-450 (3) Enhanced 911 (E911) obligation of local exchange companies.

WAC 480-120-540 Terminating access charges.

These rules all include references to revised proposed new WAC 480-120-266 and need to be modified consistent with any changes the Commission makes to WAC 480-120-266.

Sincerely,

Lisa A. Anderl

LAA/llw

cc: All parties of record (*via e-mail and U.S. Mail*)