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Director
Regulatory & Governmental Affairs



July 25, 2001

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Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S. W.
P.O. Box 47250
Olympia, Washington 98504-7250

Dear Ms. Washburn:

Subject: **VERIZON COMMENTS – A-010648 - WAC 480-09 PROCEDURE
RULEMAKING**

Below are the comments of Verizon Northwest Inc. (Verizon) in this docket, based on the Commission's June 1, 2001 Notice and on the discussion at the June 22, 2001 workshop. They contain remarks about several of the Commission's current procedural rules and a recommendation for reorganizing the rules.

GENERAL COMMENTS

480-09-012 - Incorporated and referenced materials. If such materials are now also available through the Commission's website, this rule should mention it.

480-09-100 - Sending communications to the commission; 480-09-101 When communications are received etc.; 480-09-120 Filing and service filing by telefacsimile etc.; 480-09-125 Failure to file sufficient copies etc. Electronic communications (including fax and email) should be allowed for all formal correspondence and filings, and the official receipt date should be the date the electronic communication is received. The need to also submit hard-copies should be eliminated; at a minimum, the number of required follow-up hard copies should be reduced. The rule should be amended to conform to the Commission's practice of allowing rulemaking comments to be filed electronically, and the use of electronic filing should be expanded to cover adjudicative dockets, as well. Electronic service on other parties should also be allowed.

Of course, parties should retain the option of filing and serving hard copies, but "hard copies" should include electronic media. Parties should be allowed to use Word as well as WordPerfect, and CD ROM disks as well as computer disks.

The rule should also allow parties to incorporate voluminous material in filings by making it available via a website.

"Required identification of sender" should be dropped from the title of -101, as the rule does not address that topic. Other rule titles should be reworded to reflect the substantive changes recommended above.

480-09-115 Procedure at open public meetings. For the benefit of those not familiar with the Commission's practice, the rule should be expanded to describe how interested parties and the general public may provide input on open meeting agenda items and participate in the open meeting itself. The Staff written recommendation process should be described.

480-09-200 Interpretive and policy statements. The rule should describe how to access the index and individual statements through the Commission's website.

480-09-300, -310, and -320. General rate cases. The titles of these sections should be amended to reflect that they apply to "General rate increases," as do the titles to -330 and -335. Rule -330 should be changed to allow electronic filing and service and to delete or reduce the requirement for a number of hard copies, as discussed above.

480-09-340 Compliance filings. The rule should be changed to allow electronic filing and service, as discussed above. Subsection (3) should be changed to state that where the Commission's order specifies filing on less than statutory notice the tariff will become effective on the stated effective date unless the Commission first suspends it under subsection (4). This would conform to normal tariff filing practice and, therefore be less confusing than the rule's current provisions.

480-09-400 Applications for adjudicative proceedings; 480-09-420 Pleadings, etc. The rules should make clear what type of pleadings should be labeled "application" versus "petition" versus "complaint."

Rule -420 (and -425) should allow electronic filing and service, as discussed above.

480-09-460 Prehearing and other conferences. This rule states that "reasonable notice" will be given for conferences, while rule -700 specifies 20 days' notice for prehearing conferences. Should Rule -460 not also specify 20 days?

480-09-465 Alternative dispute resolution; 480-09-466 Settlement conferences; settlements. The rules should clarify that in complaint cases where the Commission is not the complainant the parties may reach a settlement -- and the complainant may withdraw its complaint -- without Commission approval.

480-09-480 Methods for obtaining data etc. Subsection (3)(c) requires a party relying on a cost study to rerun it upon another party's request. The rule should be clarified. Whether a party should be required to rerun a model is a decision that should be made on a case-by-case basis. A party, however, should not be required to rerun its study where the requesting party has the ability to rerun the study itself.

The rule requires responses to record requisitions and bench requests to be submitted within 10 days of the Commission receiving the transcript. A process is needed to advise the parties what that date turns out to be. Or, the rule could be changed to provide that the time runs from the answering party's receipt of the transcript.

This or another rule should also make clear the procedure by which responses to record requisitions and bench requests may become part of the record.

480-09-520 Formal investigation and fact-finding. For clarity, "for competitive classification petitions" should be added to the title of this rule.

Subsection (5) should be changed to allow electronic filing and service and eliminate or minimize the number of required hard-copies, as discussed above.

480-09-736 Hearing guidelines. Subsection (6)(a) should be changed to allow electronic filing and service and eliminate or minimize the number of required hard-copies, as discussed above.

480-09-770 Briefs. This rule should be changed to allow electronic filing and service and eliminate or minimize the number of required hard-copies, as discussed above.

480-09-780 Entry of initial and final orders etc. Subsections (2)(b) and (4)(b) should be changed to allow electronic filing and service and eliminate or minimize the number of required hard-copies, as discussed above.

REORGANIZATION RECOMMENDATION

See the attached document for Verizon's reorganization recommendation. As discussed at the June 22, 2001 workshop, Verizon's recommendation generally follows the organization of the Superior Court Civil Rules. The descriptions with brackets are

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suggested headings where the existing rule (or sub-section of a rule) does not have a heading.

Please direct any questions to Joan Gage at 425-261-5238.

Very truly yours,

Lida C. Tong
Director – Regulatory & Government Affairs

LCT:kar
Attachment