

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Rulemaking to Consider Adoption of Rules) DOCKET U-140621
to Implement RCW ch. 80.54, Relating to)
Attachments to Transmission Facilities,)
Docket U-140621)

**COMMENTS tw telecom of washington llc
AND XO COMMUNICATIONS SERVICES LLC
REGARDING THE COMMISSION’S DRAFT RULES
GOVERNING ACCESS TO UTILITY POLES, DUCTS,
CONDUITS AND RIGHTS-OF-WAY**

tw telecom of washington llc (“tw”) and XO Communications Services LLC (“XO”) respectfully submit these Comments pursuant to the Notice of Opportunity to File Written Comments issued by the Washington Utilities and Transportation Commission’s (“Commission”) in the above-referenced rulemaking.¹ All pleadings, correspondence, and other communications in this docket should be sent to the following addresses:

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¹ Notice of Opportunity to File Written Comments and Notice of Workshop, Re: Rulemaking to Consider Adoption of Rules to Implement RCW ch. 80.54, Relating to Attachments to Transmission Facilities, Docket U-140621 (WUTC Sept. 8, 2014).

I. Introduction

XO and tw submitted comments previously in this docket² in which XO and tw described their interest in this proceeding and will not repeat that description here. Suffice it to state again here that XO and tw remain ever vigilant in their efforts to reduce the costs associated with building and maintaining their broadband networks, including attaching to poles and conduit owned by utilities. XO and tw, therefore, support the Commission's efforts to adopt comprehensive attachment rules designed to ensure that the efficiencies gained by allowing competitive local exchange carriers ("CLECs"), such as XO and tw, and other attachers, to share in the use of what are often bottleneck facilities. XO and tw commend the Commission and its Staff on the substantial effort and thoughtful process that has gone into the creation of the draft rules, dated September 8, 2014 ("Draft Rules").

II. Comments

The Commission has asked for comment on the Draft Rules. In response, XO and tw support adoption of the Draft Rules, with some minor clarifying modifications as proposed in the comments submitted concurrently herewith by both the Broadband Communications Association of Washington ("BCAW") and Integra Telecom of Washington, Inc. ("Integra"). XO and tw believe that BCAW and Integra have furnished sound reasons for their proposed amendments to the Draft Rules and support the Commission's adoption of those proposed changes.³

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² See "COMMENTS OF tw telecom of washington llc AND XO COMMUNICATIONS SERVICES LLC", dated May 30, 2014 in docket U-140621.

³ Integra and BCAW have proposed conflicting amendments to the definition of "Occupied Space." XO and tw recommend adopting the Integra] proposed amendment to the definition of "Occupied Space".

XO and tw appreciate this opportunity to comment in this proceeding and look forward to participating in the October 28, 2014 workshop and in any further proceedings in this docket.

Respectfully submitted this 8th day of October, 2014.

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