

[Service Date March 21, 2012]

March 21, 2012

Jeanette L. Henderson
1522 Sixth Avenue West
Seattle, WA 98119

RE: Request to amend rules relating to directory service, WAC 480-120-251
Utilities and Transportation Commission Docket UT-120293

Dear Ms. Henderson:

The Utilities and Transportation Commission (Commission) acknowledges your February 24, 2012, letter requesting the Commission amend WAC 480-120-251 to allow customers to opt-in to receive white pages directories by requiring companies to send a postcard to all customers notifying them of the opt-in option.

Prior to receiving your letter, the Commission received a letter on February 20, 2012, from state Representatives Reuven Carlyle, Marko Liias and Joe Fitzgibbon requesting the Commission eliminate the requirement in WAC 480-120-251 that directory companies distribute white pages directories to customers in their service area, and provide an option for customers to opt-in to receive printed directories. Both letters have been filed in docket number UT-120293.

The Commission considers both letters to be petitions to adopt rules under the process set forth in RCW 34.05.330. By statute, the Commission must either grant these petitions by initiating a rulemaking through a notice of proposed rulemaking under RCW 34.05.320, or deny the petitions, stating its reasons for denial or identifying the alternative means by which it will address the concerns raised in the petitions.

Because the petitions are not entirely consistent, and because the Commission would like to provide an opportunity for all interested stakeholders to participate in developing a rule before proposing adoption of a rule under RCW 34.05.320, the Commission will initiate a rulemaking on this subject, beginning with the pre-proposal process in RCW 34.05.310.

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Thus, while the Commission is technically denying your request, we will be initiating a rulemaking on this issue during which we will consider your proposal.

We appreciate your request for a change in the rule governing white pages directories. We are in the process of preparing the necessary documents to initiate a rulemaking, and will include you in the list of interested persons receiving notice of the rulemaking, as well as any opportunities to file comments or participate in any workshops as a part of the rulemaking process.

If you have any questions about this letter or the Commission's rulemaking process, please contact William Weinman, Assistant Director for Telecommunications, at (360) 664-1109 or wweinman@utc.wa.gov.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary