



July 13, 2001

Ms. Carole Washburn, Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
Box 47250
Olympia, WA 98504-7250

Re: Docket UT-010558

Dear Ms. Washburn:

Per the June 7 Notice of Opportunity to File Written Comments in the above-referenced docket relating to cessation of certain telecommunications services, United Telephone Company of the Northwest d.b.a. Sprint wishes to express our opposition to reinstating any portions of the originally proposed rule that were omitted from the emergency rule.

Sprint believes that the rule as currently in force, along with the federal requirements set forth in FCC rule 63.71 (Title 47 CFR), provides sufficient protection for customers of companies that cease to offer basic services. Our company is especially concerned that the Commission not add "obligation to serve" requirements to the rule that are both impractical and poor public policy. The relevant rule language originally proposed implied that the Commission would be ordering a carrier to provide service whether or not they have facilities in place and, further, was unclear about whether the company would be able to charge for such services over a forty-five day period. Additionally, it was unclear whether the customer would retain the ability to choose a provider.

Certainly ETCs are obligated, as well as eager, to provide universal services to requesting customers in designated areas. However, if the ETC/ILEC does not have facilities in place to serve the new customers, it should not be required to lease facilities from the abandoning company nor should it be required to make use of sub-standard facilities for the sake of maintaining continuous service to the customer. A requirement of this kind could have unintended consequences beyond the goal of protecting the customer who is losing his/her provider. For instance, it could promote uneconomic competitive entry/exit decisions and thereby increase overall societal costs. Additionally, an ETC/ILEC should not be required to jeopardize its network performance or its ability to meet service quality standards because it is forced to use non-standard or sub-standard facilities. Any degradation in the network could adversely impact the ETC's existing customers.

Further, the rule should not require ETCs to serve customers who may not otherwise qualify for service under the ETC's tariff or price list, even if the duration is limited to 45 days. If the Commission wishes to exercise its authority under Section 214 of the Act to designate an ETC for unserved territory, then it should do so under the federal provision.

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No other authority has been conferred on the States to authorize the provision of universal services to non-qualifying customers. Any ETC designation made by the Commission should include consideration of which carrier is best able to provide covered services, as well as how the carrier will be compensated for any long-term capital costs it will incur. Ultimately, such costs may result in higher prices for other end users and higher universal service costs and should, therefore, be analyzed from a larger public policy perspective.

Generally, providers that would be obtaining customers from the exiting provider should be able to serve the new customers in a timely manner so that such customers will be able to maintain dial tone. However, the objective of maintaining continuous access may be impractical in some instances. For instance, in the case of an exiting STS provider that was serving a campus or apartment complex via a PBX arrangement, there can be a great deal of coordination required to convert customers from the STS provider to the ILEC. Records must be received from the STS provider (e.g., telephone numbers that have been assigned to customers), the property owner must be consulted, and confirmations must be received from customers verifying that they wish to obtain services from the ILEC/ETC, and if so, which services. Receipt of this data is largely beyond the ILEC/ETC's control. Additionally, network configurations may be required, as well as facility builds in the case where the ILEC/ETC is not already the underlying provider. For these reasons, Sprint urges the Commission to refrain from establishing any deadline for the ILEC/ETC to complete the conversion. Instead, the current standards for service provisioning and line builds should apply, with allowance for the complexity of the conversion. This approach will help insure the preservation of network service quality.

For the foregoing reasons, Sprint urges the Commission to retain the rule in its current form.

Should there be any questions or concerns, please feel free to contact me at (541) 387-9265 or by e-mail at nancy.judy@mail.sprint.com.

Sincerely,

Nancy L. Judy

c. Bob Shirley