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June 30, 2004

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

Re: Docket No. UT-040015, Corrections and Changes in Rules in
Chapter 480-120 WAC and Chapter 480-80 WAC, Relating to Telecommunications

Dear Ms. Washburn:

Qwest Corporation ("Qwest") provides the following comments on the proposed rule changes in Docket UT-040015, in response to the Commission's June 9, 2004 Notice of Opportunity to File Written Comments pertaining to Chapter 480-80 WAC, Chapter 480-120 WAC and Chapter 480-122 WAC.

WAC 480-120-021 Definitions. Qwest respectfully requests modification of the proposed definition for "Discontinue; discontinuation; discontinued." Qwest also seeks modification to the definition of "Force Majeure."

The Commission proposed to modify the definition of "Discontinue; discontinuation; discontinued" to include any restriction of service to a customer. Qwest believes that the proposed definition is overly broad. Qwest requests the removal of "or any restriction" from the proposed definition. Qwest believes "discontinue; discontinuation; discontinued" service to mean completely disconnected exchange service. This condition exists when an order has been issued to completely disconnect the exchange service and a final bill has been rendered or is in the process of being rendered. Limitation of the use of service does not equate to complete discontinuation of service whether it is company or customer initiated.

Qwest strongly disagrees that a definition of "Discontinue; discontinuation, discontinued" would include such actions as temporary disconnection or toll restriction. Further, we are concerned by

the inference that the Commission has jurisdiction over unregulated toll restrictions, DSL restrictions, 900 restrictions, etc.

Qwest also seeks modification of the definition of "Force Majeure" to more fully encompass events beyond companies' control. Qwest proposes modifying this definition as follows:

"Force majeure" means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; *work stoppage or slowdown*; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; nuclear accidents; *negligent or willful misconduct by customers or third parties*; or *conditions or delays caused by vendor or supplier issues outside of a Company's control*

WAC 480-120-026 Classification of local exchange companies as Class A and Class B.

Qwest does not object to this proposed rule modification. Qwest supports subsection (2), which is consistent with the Commission's final order in Docket Nos. UT- 031459 and UT-031626 (consolidated). However, WAC 480-120-026 is the current Tariff and Price Lists rule. If this proposed rule is retained, it should be renumbered and the reference to this proposed rule contained within the definitions of Class A and Class B companies should also reflect the new rule number.

Also, regarding subsection (5), Qwest seeks clarification regarding whether the access line data will be exhibited on the website on an aggregate basis or on a company specific basis. If the clarification indicates the latter, Qwest requests that the data be aggregated to protect company specific information.

WAC 480-120-128, Deposit Administration. Qwest appreciates Staff's consideration of Qwest's February 25, 2004 proposed changes to subsection (2), Interest on Deposits. Qwest requests, however, that in addition to allowing the new rate to become effective on February 1 of each year, the rule also allow the use of the interest rate as published in the Federal Reserve's Statistical Release, H.15, by November 15th of the previous year. Alternatively, Qwest proposes that the rule reflect an effective date of March 1 each year, if the Commission desires to use a deposit interest rate based on the rate for the One-Year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release, H.15, on January 15 each calendar year. Qwest seeks modification of this subsection to provide more time to accommodate the system changes required to update its billing system to reflect the interest changes. The system changes require at least one month to implement and that is why Qwest is requesting a 45-day implementation period. Qwest realizes that its prior comments requested either a February 1 effective date or the use of the November 15 interest rate, but on reassessment, for the reasons listed above, Qwest requires both to ensure an adequate implementation period.

WAC 480-120-133, Response time for calls to business office or repair centers during regular business hours. Qwest supports the proposed modifications to WAC 480-120-133.

WAC 480-120-164, Pro rata credits. Qwest proposes clarifying WAC 480-120-164 that pro-rata credits apply only when service is not available for more than 24 hours in a month and the outage is reported by the customer.

WAC 480-120-172, Discontinuing Service – Company initiated. The Commission proposes the following change to subsection (7):

(7) (D) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. The disconnection must not take place before 5:00 p.m. of the next business day after the phone calls or attempts.

In subsection (7)(d), Qwest requests removal of the 5:00 p.m. disconnect restriction. In Qwest's current collection process, a customer is not called until one or two days after the due date of the mailed disconnect notice. If two unsuccessful telephone attempts (a.m. and p.m.) are made to reach the customer and there is no ability to leave a message, then Qwest issues an order to disconnect service the next day. Due to the large number of disconnect orders (thousands), orders are processed throughout the day. A 5:00 p.m. restriction would force Qwest to extend service to delinquent Washington customer by one to two days. This means that delinquent customers could be allowed an extra 4 to 5 days after the due date of the disconnection notice before action could be taken. In the meantime, Qwest would continue to incur expenses to serve the delinquent customers.

WAC 480-120-173, Restoring service after discontinuation. Qwest believes this rule only applies after complete disconnection of service. Qwest strongly disagrees that it includes temporary suspension or toll restriction (as proposed in WAC 480-120-021, "Discontinue; discontinuation; discontinued"). Qwest believes that both this rule and WAC 480-120-021 needs to clearly define disconnection of service to mean completely disconnected exchange service. In other words, an order has been issued to completely disconnect the exchange service and a final bill has been rendered or is in the process of being rendered.

WAC 480-120-253, Automatic dialing-announcing device (ADAD). Qwest supports the proposed changes to WAC 480-120-253, regulating the use of ADADs.

WAC 480-120-302, Accounting requirements for companies not classified as competitive. Qwest notes that the Commission is, in Docket No. A-021178, considering changes to the

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Commission's financial reporting and accounting rules. The most recent draft rule proposals in Docket No. A-021178 did not include revisions to WAC 480-120-302; however, previous drafts did. With a new draft due the week of July 12, Qwest simply urges the Commission to ensure that the modifications made in this docket and in Docket No. A-021178 are consistent with one another.

WAC 480-120-439, Service quality performance reports. In Docket No. UT-030704, Qwest obtained an exemption from this rule and approval to provide an alternate form of reporting. Qwest assumes that its exemption/waiver will survive any amendment to WAC 480-120-439 and need not be resubmitted or revised.

WAC 480-120-999, Adoption by reference. Qwest requests modification to subsection (4) to adopt the most current FCC accounting rules to avoid companies having to petition for updates each time the FCC issues a new rule.

WAC 480-80-123, Tariff changes that do not require statutory notice. Commission Staff's email of June 17, 2004 proposes the following changes to WAC 480-80-123:

(3) Tariff changes that do not require statutory notice include:

(d) A change to a tariff change, other than a telecommunications tariff, that does not affect the public; and

Qwest seeks further clarification regarding the intent of subsection (3)(d) as it is not clear what kind of change there might be to a tariff, other than a telecommunications tariff, that would affect the public.

Qwest appreciates the opportunity to comment and looks forward to being involved in further communications regarding the proposed rules.

Sincerely,
Mark Reynolds