



ANDREW O. ISAR

4423 POINT FOSDICK DRIVE, NW
SUITE 306
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

Via Electronic Delivery

December 18, 2013

Mr. Dave Danner
Secretary and Executive Director
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

RE: Rulemaking to consider amending and adopting rules in WAC 480-120, telephone companies, and WAC 480-123, universal service, to implement legislation establishing a state universal communications service program, Docket UT-131239

Dear Mr. Danner:

Pursuant to the Washington Utilities and Transportation Commission's ("Commission") December 3, 2013 *Notice of Opportunity to File Written Comments* in the above-referenced proceeding, the Northwest Telecommunications Association ("NWTa") submits this letter and attachment in lieu of comments. NWTa urges the Commission to resist efforts to include non-telecommunications broadband access information service as a basic telecommunications services subject to state universal service funding in this and future related rulemakings.

The NWTa is a regional industry association representing more than 15 predominantly competitive local exchange carrier member companies serving the Pacific Northwest states of Washington, Oregon, and Idaho. NWTa members provide a variety of telecommunications services and information services, including broadband access, through nearly 6,000 route miles of member company-owned fiber-based networks. More than 275,000 businesses and 200,000 residences in more than 549 largely rural Pacific Northwest communities have access to NWTa member company networks. NWTa member companies provide service to nearly 1,000 schools, government facilities, libraries, public safety centers, hospitals, clinics, and churches, many of which are located in underserved rural areas as well as to residential and commercial subscribers. NWTa members have invested more than \$32M in infrastructure and capital projects in 2013 alone and employ more than 300 full time individuals, a testament to member

Mr. Dave Danner
December N, 2013
Page 2

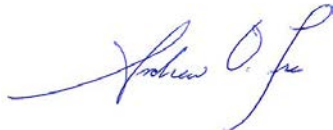
companies' commitment to this region. As predominantly facilities-based providers, NWTAs members have a keen interest in, and may be affected by, the outcome of the instant proceeding.

On December 6, 2013, the NWTAs filed the attached *Comments* with the Public Utility Commission of Oregon¹ in opposition to an Oregon Telecommunications Association ("OTA") petition to include broadband access services in the definition of Oregon's regulatory definition of "basic telephone service." OTA maintained that broadband access services should become a universal service fund-compensated basic telecommunications service. In its comments, the NWTAs stressed that broadband access is an information service that cannot receive universal service funding designed for telecommunications services, that its inclusion was contrary to Oregon state law, and ultimately that a grant of the OTA proposal would limit, if not undermine, broadband deployment, contrary to established public policy. A majority of the commenting parties took positions consistent with those expressed by the NWTAs.

A plain language reading of the proposed Temporary Universal Communications Services Program Rules does not suggest that a similar proposal to include information services as a basic service is now before the Commission. Although "Communications services" are defined to include information services,² the "basic service" definition in WAC 480-120-021 remains intact without inclusion of information services. Yet in light of recent developments in Oregon, NWTAs now urges the Commission to reject any efforts to include broadband access information services as universal service fund-subsidized services now or in the future.

Respectfully submitted,

MILLER ISAR, INC.



Andrew O. Isar

Regulatory Consultants to the
Northwest Telecommunications Association.

Enclosure

cc: NWTAs Members (via electronic delivery)

¹ See, *In the Matter of the Oregon Telecommunications Association Petition to Amend OAR 860-032-0190 Definition of Basic Telephone Service*, Public Utilities Commission of Oregon, *Comments of the Northwest Telecommunications Association*, Docket No. AR 577 (December 6, 2013).

² WAC 480-123-020, Definitions, "Communications services" includes telecommunications services and information services and any combination of these services.