

[Service Date October 9, 2003]

October 8, 2003

**NOTICE OF DATE FOR RESPONSE TO APPLICATION FOR MITIGATION
OF PENALTIES OR FOR STAY
(Due on Monday, October 20, 2003)**

RE: *In the Matter of COMCAST PHONE OF WASHINGTON, LLC: Application for Mitigation of Penalties or for Stay*, Docket No. UT-031459

TO ALL PARTIES OF RECORD:

On September 30, 2003, Comcast Phone of Washington, LLC ("Comcast") filed its Application for Mitigation of Penalties or for Stay Pending Resolution of Petition for Interpretive and Policy Statement or Declaratory Order. Although the Commission's procedural options for considering Comcast's Application remain open, WAC 480-09-500 expressly provides that "[p]etitions for mitigation of penalty assessments, including any challenge to the validity of the penalty assessment or the existence of an underlying violation" may be appropriate for determination under the Commission's rules and the statutes (*i.e.*, RCW 34.05.482 - .494) governing brief adjudicative proceedings. The Commission finds that a response from Commission Staff to Comcast's Application may assist the Commission to resolve both process and substantive issues in this matter. Accordingly, the Commission requires that Commission Staff file a response as provided in this Notice.

NOTICE IS HEREBY GIVEN that the deadline for Commission Staff to file a Response to Comcast's Application is October 20, 2003.

Sincerely,

Carole Washburn
Executive Secretary