

[Service Date October 29, 2004]

October 29, 2004

Mr. Robert Oenning
E911 Emergency Management Division
Military Department
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122

Re: Petition Emergency Management Division to Amend WAC 480-120-450
Docket No. UT-041629

Dear Mr. Oenning:

The above referenced Petition was filed with the Commission on September 9, 2004. In the petition, the E911 Emergency Management Division (EMD) asks the Commission to amend WAC 480-120-450, Enhanced 9-1-1 (E911) obligation of local exchange companies to establish a uniform demarcation point in the E911 network for carrier cost recovery.

EMD indicates it is making its request pursuant to RCW 34.05.330. This statutory provision concerns petitions for rulemaking, amendment, or repeal. EMD's petition does not provide a copy of proposed rule language, nor does it indicate that a rule is the only outcome that would meet its concerns, as indicated in RCW 34.05.330(4).

If the petition were a petition for rulemaking under RCW 34.05.330, the Commission would have sixty days in which to either initiate rulemaking proceedings in accordance with RCW 34.05.320 (the "proposed rule" or "CR-102" stage of rulemaking), or to deny the petition in writing, stating its reasons for the denial and, where appropriate, describing alternative means to address the concerns raised by the petitioner. In this circumstance, the Commission will not initiate rulemaking proceedings by filing a CR-102 Notice of Proposed

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Rulemaking with the Code Reviser. EMD's petition does not provide sufficient information, including proposed rule language, to initiate a rulemaking under RCW 34.05.320.

The Commission does think it would be beneficial to explore the questions raised by EMD's petition. The Commission plans to open a rulemaking under RCW 34.05.310 (CR-101, Preproposal Statement of Inquiry) to explore whether rules on this subject may be needed, and what they might accomplish. Included in this discussion would be consideration of whether a collaborative process would be beneficial, and may accomplish what you seek. We look forward to your active participation.

Sincerely,

CAROLE J. WASHBURN

Executive Secretary