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VIA EMAIL

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

Dear Ms. Washburn:

Subject: **VERIZON NORTHWEST INC. COMMENTS – UT-040015**

Per the Commission's Notice issued on June 9, 2004, Verizon Northwest Inc. (Verizon) submits the following preliminary comments on some of the proposed changes to the rules in Washington Administrative Code Chapter 480-120.

WAC 480-120-021, Definition of Discontinue, discontinuation; discontinued

Verizon disagrees with the addition of "or any restriction" of services to this definition. The use of restriction does not connote discontinuance of a service; it is misleading. Restriction leads a customer to believe they still retain the service, but there are now limitations on that service. Verizon suggests maintaining the current definition.

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

For the reasons set forth in Verizon's previous comments, the wording in proposed subsection (3) remains unacceptable, and the Commission should revisit both its rationale for having the A and B classifications at all and for using that classification to impose regulatory burdens.

Proposed subsection (3) could have the absurd result of placing full regulatory burdens on a CLEC serving just 100 lines in Washington, if that CLEC happened to be affiliated with an ILEC that serves more than two percent of the state's lines. This unwarranted result can be avoided by discarding the old Class A / Class B approach, and instead clearly providing appropriate and competitively neutral treatment of all competitively classified companies.

The proposed rule uses the "two percent exemption" of RCW 80.04.530 to distinguish between Class A and Class B companies, and then this classification is used in substantive rules to impose regulatory burdens or not. That statute precludes the Commission from imposing some specified burdens on the "less than two percent of lines" companies, but the statute does not require the Commission to impose those or any other regulatory burdens on companies that do not meet the statute's particular exemption criteria. The Commission needs to make a conscious decision on whether burdens should be imposed on these other companies and not let an inappropriately slavish use of this statute produce unwarranted regulations.

WAC 480-120-133 Response time for calls to business office or repair center during regular hours

Verizon has a concern with the new language in subsection (2)(b). It believes that the second sentence should not be limited to just a message that is played advising the caller of the "estimated hold time" or "advising that the call may be internally monitored." Not all companies play those particular messages after the caller has selected the appropriate option to speak to a live representative. Verizon plays the message advising that the call may be internally monitored at the beginning of the call. Once the caller has selected the appropriate option to speak to a live representative, Verizon plays the federally mandated message regarding customer privacy. Verizon requests that this message be added, so subsection (2)(b) would read as follows:

> (b) From the time a caller selects the appropriate option to speak to a live representative until the representative answers, the call must not exceed a monthly average of ninety seconds. If a message is played advising the caller of the estimated hold time, ~~or~~ advising that the call may be internally monitored or advising the caller of his right to privacy, the measurement for the average time until a live representative answers the call may begin at the conclusion of the message.

WAC 480-120-147 Changes in Local Exchange and Intrastate Toll Services

With regard to subsection (4), the requirement to submit a change order within 60 days should not apply to customers with whom the Company has term agreements. The full term of such contracts should be honored. Companies extend discounted pricing to customers who commit to retain and pay for service for specified terms. The companies are entitled to the benefit of these bargains, and the Commission should not enact rules that encourage or facilitate customers gaming the system in order to avoid their obligations. Wording should be added to the effect that "a receiving carrier need not implement a change order for a service that is subject to a term commitment until the expiration of the term or until the customer pays the appropriate termination fee."

WAC 480-120-164 Pro Rata Credits

Verizon continues to believe that it would be helpful to the industry if the scope of this rule were made clearer. Staff has provided informal advice that the rule does not require companies to implement systems to detect all outages but must provide the credit when it detects an outage in its normal course of business. In any event, it should be made clear that companies may calculate the 24 hours of out-of-service conditions using either a "billing cycle" or 30-day month basis.

WAC 480-120-172 Discontinuing service – Company initiated

Verizon does not recall the proposed change to subsection (1) being previously discussed and cannot support it because it produces a circular and unclear result. With the proposed change the rule would read "* * * if it finds the customer has used deceptive means by * * * (d) Using service deceptively." The current wording should be retained in order to clearly cover cases where customers obtain service through fraudulent means.

WAC 480-120-999 Adoption by Reference

As Verizon stated in previous comments, the Commission rule in this section should allow the use of the most recent versions of the indicated standards. Revisions to industry standards take place on a routine basis. For example, Institute of Electrical and Electronic Engineers (IEEE) standard IEEE-820 is currently undergoing a revision. A new version is expected to be released sometime in late 2004 or early 2005. Likewise, T1.510-1999 is scheduled for revision or reaffirmation in 2004. Communications companies try to stay current with the most recent versions of industry standards. The current version of the National Electrical Safety Code is 2002 not 1991. Obviously, when Commission rules cite a specific version of a standard, particularly an outdated version, problems can arise for national companies. Subsection (4) of this rule, which cites the 1998 version of 47 C.F.R, is a good case in point. If this subsection is not updated to allow use of the most current version of FCC accounting rules, companies will have to petition the Commission each time the FCC makes changes to the USOA.

WAC 480-120-X01 through X05 – CPNI

This new proposal is more than a "tune up" and for that reason alone should be excluded from this docket.

Moreover, while the proposed rules generally follow the current FCC rules and the Staff presumably feels they do not, they therefore, suffer from some of the same defects as the previous rules, which were struck down by the federal court. The proposal begs the important substantive question as to whether state rules on this subject are necessary at all. In addition, the proposed rules are not identical in all respects to the current FCC rules, but would impose unnecessary additional reporting and noticing requirements.

Please contact me if you have any questions on 425-261-5006.

Very truly yours,

/s/

Richard E. Potter