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BEFORE THE ARIZONA CORPORATION COMMISSION

REC'D  
AZ CORP COMMISSION

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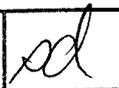
JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

IN THE MATTER OF RULES TO )  
ADDRESS SLAMMING AND )  
OTHER DECEPTIVE )  
PRACTICES )

DOCKET NO. RT-000001-99-0034  
Arizona Corporation Commission

DOCKETED

FEB 12 1999

DOCKETED BY 

**COMMENTS OF RESIDENTIAL UTILITY CONSUMER OFFICE TO  
US WEST'S APPLICATION FOR EMERGENCY RULEMAKING**

The Residential Utility Consumer Office ("RUCO") offers these initial comments on the application for emergency rulemaking filed by US West Communications, Inc., ("US West") on January 28, 1999, at the Arizona Corporation Commission ("the Commission").

While RUCO is generally supportive of anti-slamming measures, we strongly believe that the current anti-slamming rules promulgated by the Federal Communications Commission not be adopted by this Commission until such time as public comments are scheduled. RUCO has not had sufficient time to analyze and weigh the implications of the adoption of these rules. As such, a reasonable comment period is necessary so that RUCO has sufficient time to thoroughly examine the rules.

"Slamming" is an important issue to RUCO but hastily adopting rules when there is no "emergency" does not behoove residential ratepayers, whom these rules are designed to protect. Emergency adoption of a rule is done when the adoption of the rule is "necessary for immediate preservation of the public health, safety, or welfare and the notice and public

1 participation requirements are impracticable." A.R.S. § 41-1026(E). There is no indication here  
2 that "immediate preservation of public health, safety, or welfare" is at stake. Furthermore,  
3 there is nothing to indicate that "public participation requirements are impracticable." RUCO is  
4 greatly concerned about the slamming of residential ratepayers and it is for that reason that a  
5 thorough examination of the rules needs to be made following the usual comment period.  
6

7 WHEREFORE, for the reasons stated, RUCO respectfully requests the Commission  
8 deny the application and open a formal rulemaking docket, if it believes any "anti-slamming"  
9 rules should be adopted.

10 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of February, 1999.

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12  
13 

14 Stephen Gibelli  
15 Counsel, RUCO

16 AN ORIGINAL AND TEN COPIES  
17 of the foregoing filed this 12<sup>th</sup> day of  
18 February, 1999 with:

19 Docket Control  
20 Arizona Corporation Commission  
21 1200 West Washington  
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23 COPIES of the foregoing hand delivered/  
24 mailed this 12<sup>th</sup> day of February, 1999 to:

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