

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UT-010633
)	
Complainant,)	
)	
v.)	COMPLAINT
)	
WebNet Communications, Inc.)	
)	
Respondent.)	
.....)	

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. PARTIES

2 The Commission is an agency of the State of Washington, authorized by Title 80 RCW to regulate the rates, practices, accounts, and services of telecommunications companies.

3 Respondent WebNet Communications, Inc. ("WebNet" or "Respondent") is a telecommunications company subject to regulation by the Commission pursuant to RCW 80.01.040(3).

II. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to chapter 34.05 RCW, RCW 80.01.040, RCW 80.04.070, RCW 80.04.110, RCW 80.04.380, RCW 80.36.130, chapter 480-09 WAC, WAC 480-120-101, and WAC 480-120-139.

III. FACTUAL ALLEGATIONS

5 On May 8, 2001, the Commission issued an Order Instituting Investigation into the operating and business practices of WebNet Communications, Inc. Within the Order, the Commission stated that it appeared WebNet switched consumers' long distance telecommunications service providers without authorization.

6 Commission Staff, in accordance with the Order, began a formal investigation into the operating and business practices of WebNet. Staff completed its investigation on September 30, 2001.

7 WebNet failed to obtain the consumer's clear and conspicuous confirmation that the consumer authorized the change when changing a consumer's local and long distance telecommunications service provider.

8 WebNet failed to obtain separate authorization and verification for each type of telecommunications service sold when obtaining third party verification that the consumer authorized WebNet to switch the consumer's telecommunications services.

IV. FIRST CLAIM FOR RELIEF

9 The Commission, through its Staff, realleges paragraphs 2 - 8.

10 WAC 480-120-139(1)(c) requires verification of a consumer's authorization to change telecommunication services by an independent third party. The verification must include a clear and conspicuous confirmation that the consumer has authorized a preferred carrier change.

11 WebNet violated WAC 480-120-139(1)(c) by failing to obtain a clear and conspicuous confirmation that the consumer authorized changing his or her telecommunications service provider.

V. SECOND CLAIM FOR RELIEF

12 The Commission, through its Staff, realleges paragraphs 2 – 8.

13 WAC 480-120-139(2) requires separate authorization and separate verification for each service a telecommunications company sells.

14 WebNet violated WAC 480-120-139(2) by failing to obtain separate authorization and verification from the consumer for each type of telecommunications service sold.

COMPLAINT

15 Based upon the allegations of Commission Staff, the Commission finds that probably cause exists to complain against the respondent as follows:

16 (1) Respondent has failed to comply with applicable laws, and the rules and

orders of the Commission as set forth in the allegations above.

- 17 (2) The Commission should assess monetary penalties against the Respondent based on alleged violations of state law or Commission rules or orders identified by Staff during its investigation of company practices.
- 18 (3) The Commission should consider whether to suspend or cancel the respondent's registration authorizing it to operate within the state of Washington.

DATED at Olympia, Washington, and effective this 24th day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner