

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UT-011225
	)	
Complainant,	)	
	)	
v.	)	COMPLAINT
	)	
Touch America, Inc.	)	
	)	
Respondent.	)	
.....	)	

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

**I. PARTIES**

- 1       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.
  
- 2       Touch America, Inc. is a telecommunications company registered to provide telecommunications services in the state of Washington subject to the provisions of Title 80 RCW and chapter 480-120 WAC.

**II. JURISDICTION**

- 3       The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, WAC 480-120-101.

**III. STATEMENT OF FACTS**

- 4       Commission Staff investigated Touch America’s complaint response practices during the review of 22 consumer complaints filed with the Commission between January 22, 2001, and September 4, 2001.

- 5 WAC 480-120-101(5) requires telecommunication companies to respond to Commission-referred consumer complaints within two business days.
- 6 Touch America failed to respond in accordance with the requirements set forth in WAC 480-120-101(5) in 18 of the 22 complaints.
- 7 Because violations may be compounded for each day a telecommunications company fails to comply, Commission Staff documented 633 violations of WAC 480-120-101(5) in its investigative report.

#### IV. CLAIM FOR RELIEF

- 8 The Commission, through its Staff, realleges paragraphs 2 - 7.
- 9 WAC 480-120-101(5) states, in part, “when a complaint is referred to a telecommunications company by the Commission, the utility company shall, within 2 working days, report results of any investigation made regarding the complaint to the Commission and shall keep the Commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint.”
- 10 Touch America violated WAC 480-120-101(5) by failing to properly respond to Staff’s inquiries during an investigation of consumer complaints, resulting in 633 violations.
- 11 THEREFORE, the Commission commences an adjudicative proceeding pursuant to chapter 34.05 RCW and chapter 480-09 WAC for the following purposes:
- (1) To determine whether Touch America has failed to comply with the applicable laws, rules, and orders of the Commission as set forth in the allegations above.
  - (2) To determine whether the Commission should assess monetary penalties against Touch America based on alleged violations of Commission rules identified by Staff during its investigation of company practices.
  - (3) To make such other determinations and enter such orders as may be just and reasonable.

DATED at Olympia, Washington, and effective this 13th day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner