

DOCKET NO. UT-053021
DRAFT RULES
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NEW SECTION

WAC 480-123-0010 Definitions. As used in sections 0020 through 0070:

“Eligible Telecommunications Carrier” and “ETC” mean a carrier designated by the commission as eligible to receive support from federal universal service mechanisms in exchange for providing services supported by federal universal service mechanisms.

“Facilities” means any physical components of the telecommunications network that are used in the transmission of or routing of the services that are supported by federal universal service mechanisms.

“.shp format” means the format used for creating and storing digital maps composed of shape files capable of being opened by the computer application ArcGIS.™

“Service outage” means a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider’s network.

“Substantive” means sufficiently detailed and technically specific to permit the Commission to evaluate whether federal universal service support has had, or will have, specific benefits for customers. Examples of information that will permit an evaluation is information about investments and expenses that will increase service quality, increase signal coverage, or increase network capacity, in conjunction with information about the number of customers that have or will benefit, and how they will benefit.

NEW SECTION

WAC 480-123-0020 – Contents of Petition for Eligible Telecommunications

Carriers. (1) Petitions for designation as an ETC must contain:

- (a) a description of the area or areas for which designation is sought;
- (b) a statement that the carrier will offer the services supported by federal universal service support mechanisms throughout the area for which it seeks designation, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC);
- (c) a description of how it will provide each supported service;
- (d) a substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers;
- (e) a statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including advertisement of telephone assistance programs that is reasonably calculated to reach low-income consumers not receiving discounts;
- (f) a general description, including a map in .shp format, of the area where the carrier has customers, plant and equipment, and, for wireless carriers, provides commercial mobile radio service;
- (g) information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch; and
- (h) information that demonstrates that it will comply with the applicable consumer protection and service quality standards of Chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular

Telecommunications and Internet Association's Consumer Code for Wireless Service as released Sept. 9, 2003.

(2) The petition must be submitted by a company officer in the manner required by RCW 9A.72.085.

NEW SECTION

WAC 480-123-0030 – Approval of Petitions for Eligible Telecommunications Carriers. The commission will approve a petition for designation as an ETC if the petition meets the requirements of WAC 480-123-0020 and if designation is in the public interest.

NEW SECTION

WAC 480-123-0040 – Revocation of Eligible Telecommunications Carrier Designation. The Commission may modify, suspend, or revoke the designation of an ETC if it determines that the ETC is not in compliance with its designation order or this chapter, or is not operating in a manner that is consistent with the public interest.

NEW SECTION

WAC 480-123-0050 Annual certification of eligible telecommunications carriers. (1) Each ETC seeking certification by the commission of the ETC's use of federal high-cost funds pursuant to 47 C.F.R. §§ 54.307, 54.313, or 54.314 must request certification by July 31 each year. The ETC must, as a part of the request, certify that it will use federal high-cost universal service fund support only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended. The certification must be submitted by a company officer in the manner required by RCW 9A.72.085

(2) The commission will certify an ETC's use of federal high-cost universal service fund support, pursuant to 47 C.F.R. §§ 54.307, 54.313, or 54.314 only if the ETC complies with the requirements in WAC 480-123-0060, and the ETC demonstrates that it will use federal high-cost funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended through the requirements of WAC 480-123-0070.

NEW SECTION

WAC 480-123-0060 Annual certifications and reports. Not later than July 31 of each year, every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in this section. The certifications and reports are for activity in the period January 1 through December 31 of the previous year. Certifications must be submitted by a company officer in the manner required by RCW 9A.72.085.

(1) **Report on use of federal funds and benefits to customers.**

(a) The report must provide a substantive description of investments made and expenses paid with federal support, or, for ETCs that receive support based on filings made with the National Exchange Carrier Association (NECA) in its role as a contractor for the Universal Service Administrative Company, the report may consist of copies of all material supplied to NECA to obtain the support received for the relevant twelve-month period in lieu of the substantive description.

(b) In addition to the information required in subsection (1)(a) of this subsection, every ETC must provide a substantive description of the benefits to consumers that resulted from the investments made and expenses paid with federal support.

(2) **Service outage report.** The report must include detailed information on every outage lasting at least 30 minutes, for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in a designated

service area, or that potentially affect a public safety answering point as defined in WAC 480-120-021. The report must include:

- (a) The date and time of onset of the outage;
- (b) A brief description of the outage and its resolution;
- (c) The particular services affected;
- (d) The geographic areas affected by the outage;
- (e) Steps taken to prevent a similar situation in the future; and
- (f) The number of customers affected.

(3) Report on failure to provide service. The report must include detailed information on the number of requests for service from potential customers within its service areas that were unfulfilled for the past year. The ETC must also describe in detail how it attempted to provide service to those potential customers.

(4) Report on complaints per 1,000 handsets or lines. The report must provide separate totals for the number of complaints that the ETC's customers made to the ETC, the commission, the federal communications commission, and the Washington attorney general. These totals must be further divided into at least the four categories of complaints: (i) no dial tone and other connection problems; (ii) billing for services not ordered; (iii) inaccurate amounts on bill; and (iv) failure to provide service in a timely fashion. The report must also generally describe the nature of the complaints within each category and the carrier's efforts to resolve the complaints.

(5) Certification of compliance with applicable service quality standards. Certify that it met the applicable service quality standard found in WAC 480-123-0020(1)(h).

(6) Certification of ability to function in emergency situations. Certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-0020(1)(g).

(7) Advertising certification; safe harbor, including advertisement on Indian reservations. Certify it has provided the required advertisement,

including advertisements reasonably calculated to reach low-income individuals not already receiving discounted services.

(a) An ETC will be considered to meet the advertisement requirements if at a minimum it:

(i) sends to all customers at least one annual bill insert explaining its services and charges available to low-income customers;

(ii) displays a notice of services and charges available to qualified low-income consumers at its payment agencies and its offices open to the public;

(iii) places a notice in the telephone book published by (or on behalf of) the ETC at least $\frac{1}{4}$ page in size containing information about the services and charges available to qualified low-income consumers;

(iv) advertises its services and charges available to low-income consumers:

(A) by placing a display ad in a daily newspaper, one-sixteenth page in size or larger, on four or more occasions in each calendar quarter; or

(B) by placing an ad on a local radio station or television station that runs at least five times a day in general rotation for seven consecutive days in each calendar quarter; and

(v) for an ETC with a geographic service area that includes a reservation or portion of a reservation of a federally recognized Indian tribe, by placing an ad containing information about the services and charges available to qualified low-income consumers living on a reservation in the tribal newsletter, tribal newspaper, or similar publication on two or more occasions in each calendar quarter.

NEW SECTION

WAC 480-123-0070 Annual plan for universal service support expenditures.

(1) Not later than July 31 of each year, every ETC that receives federal support from any category in the federal high-cost fund must report on the expected use of federal support that will be received during the period October 1 of the current year through the following September.

(2) The report must include a substantive plan of the investments and expenditures to be made with federal support and a substantive description of how those investments and expenditures will benefit customers.

(3) As part of the filing required by this section to be submitted in 2007, and at least once every three years thereafter, the report must include a map in .shp format that shows the general location of customers, plant and equipment, and, for wireless carriers, where it provides commercial mobile radio service.

In Addition: Amend WAC 480-120-399 (formerly WAC 480-120-311) by deleting WAC 480-120-399(2).