

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making
Proceeding Related to the Washington
Telephone Assistance Program

DOCKET NO. UT-003074

**Comments of
Public Counsel
Attorney General of Washington**

August 22, 2001

Public Counsel files these comments in response to the Commission's August 1, 2001 Notice of Opportunity to File Written Comments. Our comments focus on issues related to outreach and enrollment for the Washington Telephone Assistance Program (WTAP). The proposed WTAP rules, which are scheduled to be considered for adoption at the Commission's September 12, 2001 open meeting, do not currently contain any requirements that local exchange companies (LECs) conduct outreach and facilitate enrollment in WTAP. Public Counsel views this absence as a missed opportunity, given the fairly low participation rate in WTAP.

Outreach

In our previously filed comments in this docket, Public Counsel has stressed the need for improved outreach and marketing efforts for WTAP.¹ We have also suggested that the

¹ In addition to these comments, Public Counsel has filed comments in this docket, UT-003074, on the following dates: July 6, 2001, May 3, 2001, January 30, 2001, and September 22, 2000.

Commission and all stakeholders consider implementing an automatic enrollment process, to facilitate enrollment for those individuals who are eligible for WTAP and currently have phone service. The proposed rules do not include suggested mechanisms or requirements pertaining to outreach or streamlined enrollment.

It is widely recognized that the number of customers participating in WTAP has historically been far below the total number of individuals eligible for the program. This continues to be the case. In FY 2000, 93,078 individuals participated in WTAP out of a total unduplicated pool of 400,361 who met the eligibility requirements.² This represents a “penetration rate” of 23%. In some counties, participation in WTAP is well below the statewide average of 23%, as we discussed in our comments filed July 6, 2001 in this docket.

Public Counsel believes that a rule describing the responsibilities of LECs related to outreach and enrollment would further the policy goals established by the Legislature. The statutes creating WTAP include the following legislative finding:

The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income persons to continue to afford access to local exchange telephone service. Therefore, the legislature finds that it is in the public interest to take steps to mitigate the effects of these changes on low-income persons. RCW 80.36.410

The WTAP legislation also provides that the WUTC and DSHS may adopt any rules necessary to implement the WTAP statutes. RCW 80.36.440.

² Department of Social and Health Services, *Washington Telephone Assistance Program, A Report to the Legislature on Year 13 of Program Operation: July 1, 1999 through June 30, 2000*, Report Issued December 2000, Table A.

Given the under-utilization of WTAP, Public Counsel believes it would be most appropriate for the Commission to outline general LEC requirements for outreach and enrollment within the WTAP rules. We recognize that with respect to outreach, certain strategies may work well in some parts of the state but not so well in other areas. Thus, a rule that is overly prescriptive and mandates specific approaches (e.g. radio or newspaper advertisements) may not make sense. Nevertheless, we believe the Commission can tailor a more general requirement. For example, the Commission's rule could expand upon the FCC requirement that eligible telecommunications carriers (ETCs) "publicize the availability of Lifeline and Link Up services in a manner reasonably designed to reach those likely to qualify for those services."³ Public Counsel proposes the following rule language related to WTAP outreach:

Telecommunications providers participating in WTAP are required to publicize the availability of WTAP in a manner reasonably designed to reach those likely to qualify for the program benefits. Each telecommunications company offering the WTAP rate shall develop a WTAP outreach plan in consultation with commission staff, DSHS and other stakeholders. Each telecommunications company participating in WTAP shall submit to the commission on an annual basis a WTAP outreach plan that shall include:

- (a) a plan to work with stakeholders, including commission staff, DSHS and local community organizations, to publicize WTAP in their service territory using local media.
- (b) a statement of the specific actions to be taken by the telecommunications company to publicize WTAP using a range of different types of outreach strategies.
- (c) the number of subscribers the telecommunications provider currently has enrolled in WTAP.

All plans subsequent to the initial plan shall include a progress report that relates the new outreach plan to the previously filed plan and an assessment of whether enrollment in WTAP has increased during the most recent twelve month period.

³ Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed

Enrollment

Local exchange companies are responsible for enrolling eligible customers in WTAP. DSHS notifies individuals that they are eligible for WTAP, and the individual must then apply for WTAP by contacting the LEC. The telephone company customer service representative must understand what service the individual is requesting (e.g. the customer may ask for “telephone assistance” or “WTAP” or “lifeline” or “special program for low-income people”). The customer service representative, who may work in a state other than Washington, must also understand the enrollment procedures for WTAP, which currently entail obtaining the individual’s DSHS client identification number and contacting DSHS via a toll-free telephone number to verify eligibility.

Given the very important role LECs play in enrolling customers in WTAP, Public Counsel believes the UTC’s WTAP rules should include provisions related to the responsibilities of LECs to facilitate enrollment in WTAP. Currently, the UTC and DSHS WTAP rules are silent on this issue. We propose the following rule language:

Telecommunications companies participating in WTAP are required to work with commission staff and DSHS as necessary to develop efficient and effective WTAP enrollment procedures. Telecommunications companies offering a WTAP rate must ensure that their customer service representatives are appropriately trained to effectively identify when customers are requesting WTAP. Customer service representatives must also understand the procedures necessary to enroll a customer in WTAP.

With respect to streamlining the WTAP enrollment process, Public Counsel continues to believe that automatic enrollment represents the most efficient and competitively neutral means

Rulemaking, CC Docket No 96-45, FCC 00-208 (released June 30, 2000), para 79.

of enrolling WTAP customers who already have telephone service. We encourage the Commission, LECs participating in WTAP, DSHS and other stakeholders to pursue this strategy.

Conclusion

Public Counsel respectfully requests that the Commission consider whether the proposed WTAP rules should be modified to include provisions that outline the responsibilities of telecommunications providers related to WTAP outreach and enrollment. We believe that the rule language we have proposed would further the policy goal established by the Legislature in RCW 80.36.410 to promote universal telephone service and make local exchange telephone service more affordable for low-income persons.