

Agenda Date: June 11, 2003  
Item Number: A2

**Docket:** UT-030394  
Company: Qwest Corporation

Staff: Robert Shirley, Telecommunications Policy Analyst  
Rebecca Beaton, Telecommunications Policy Analyst

**Recommendation:**

Issue an interpretive statement under RCW 34.05.230 to interpret the meaning of WAC 480-120-450(2)(e).

Analysis

On March 21, 2003, Qwest filed a Petition for Clarification or Waiver of WAC 480-120-450(2)(e) as adopted on December 12, 2002 in Docket UT-990146 and effective July 1, 2003. The rule concerns enhanced 9-1-1 (E911) obligations of local exchange companies (LECs), including obligations of LECs that provide E911 data base management.

Qwest is a LEC, and it is also a LEC that provides E911 data base management. Subsection (2)(a) and (b) place obligations on LECs that provide E911 data base management. Subsection (2)(c), (d), and (e) place obligations on LECs in their role as telecommunications service providers.

In its petition, Qwest states that it:

“...receives reports of data base errors and inquiries from PSAPs concerning services that are not provided by Qwest. These services may be provided by another local exchange carrier, a pay phone service provider, or a wireless service provider. Upon receipt of a report of an E911 data base error or inquiry, Qwest will conduct an initial investigation. If the error or inquiry concerns service provided by Qwest, then Qwest will resolve the issue pursuant to the rule. If upon investigation, it is determined that the error or inquiry concerns information or service provided by another provider (e.g., another local exchange provider, a pay phone service provider, or a wireless provider), then Qwest will refer the case to the other provider for resolution.”

Petition at 2.

Qwest seeks clarification that “WAC 480-120-450(2)(e) only applies where the LEC receiving the notice of error or inquiry is also the service provider.” *Id. at 3*. Alternatively, Qwest seeks a “limited” waiver of the rule with the result of the waiver that Qwest would only be responsible for correcting data base errors for locations it serves. *Id.*

It appears that there is possible ambiguity in the language of the rule, as to its application to a data base administrator that is also a LEC. Qwest’s proposed interpretation reflects the Commission’s intention in adopting the rule. It was not intended that a data base administrator that is also a LEC should be responsible for performing obligations of the serving LEC, when it is not the serving LEC.

Procedurally, Staff believes that the most efficient way to resolve the ambiguity is to issue an interpretive statement under RCW 34.05.230, interpreting the Commission rule. Under the statute, interpretive statements are permissible to advise the public of an agency’s current opinions, approaches, and likely courses of action.

As a data base manager, Qwest provides a service to many LECs, pay phone service providers, and wireless service providers under tariff. That tariff and its arrangements with LECs may require Qwest to pass on to LECs reports it receives of location information record errors. That obligation is not the same as the obligation of LECs under (2)(e) to resolve such reported errors.

If the Commission clarifies the rule in an interpretive statement, Qwest will have no need for an exemption from the rule.

Summary:

Commission Staff recommends that the Commission issue an interpretive statement clarifying the intention of WAC 480-120-450(2)(e) is that the obligations it creates fall on LECs in their role as service providers to end-use customers.

## Appendix A

### WAC 480-120-450(2)

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. Methods for maintaining station location information that are not internet-based may be offered in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. Records must be forwarded to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

Records that do not post to the DBMS because of address errors must be corrected within two working days unless modifications are necessary to the audit tables of the master street address guide, in which case the record must be resubmitted within one business day of notification that the master street address guide has been updated.

(e) E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

Appendix B

**Qwest's Petition**

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

PETITION FOR CLARIFICATION OR  
WAIVER OF WAC 480-120-450 (2) (e) AS  
ADOPTED ON DECEMBER 16, 2002 IN  
DOCKET NO. UT-990146 AND EFFECTIVE  
JULY 1, 2003

Docket No. UT-\_\_\_\_\_

QWEST CORPORATION'S PETITION FOR  
CLARIFICATION OR WAIVER

Qwest Corporation ("Qwest") hereby petitions the Washington Utilities and Transportation Commission ("Commission") for clarification or, in the alternative, waiver of WAC 480-120-450(2)(e). This rule was developed through proceedings in Docket No. UT-990146<sup>1</sup> and becomes effective on July 1, 2003.

**THE RULE**

On December 12, 2002, the Commission filed with the Code Reviser General Order No. R-507, which included the newly developed rule WAC 480-120-450, Enhanced 9-1-1 (E911) obligations of local exchange companies. As adopted, section (2)(e) reads as follows:

E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

**DISCUSSION**

Qwest seeks this clarification or waiver to address those circumstances where

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<sup>1</sup> In the Matter of Amending, Adopting and Repealing Chapter 480-120 WAC Relating to Telephone Companies, Docket UT-990146, General Order No. R-507, Order Amending, Adopting and Repealing Rules Permanently, Filed with the Code Reviser's Office December 12, 2002.

errors and inquiries concern services not provided by Qwest. Qwest seeks clarification that the rule only applies in cases where the LEC is the service provider. Alternatively, Qwest seeks waiver of this rule where Qwest is not the service provider.

Qwest appreciates the need for accurate E911 information and can and will comply with the rule in those cases where Qwest is the service provider. However, Qwest also receives reports of data base errors and inquiries from PSAPs concerning services that are not provided by Qwest. These services may be provided by another local exchange carrier, a pay phone service provider, or a wireless service provider. Upon receipt of a report of an E911 data base error or inquiry, Qwest will conduct an initial investigation. If the error or inquiry concerns service provided by Qwest, then Qwest will resolve the issue pursuant to the rule. If upon investigation, it is determined that the error or inquiry concerns information or service provided by another provider (e.g., another local exchange provider, a pay phone service provider, or a wireless provider), then Qwest will refer the case to the other provider for resolution.

For example, pursuant to WAC 480-120-263(5)(c), Pay Phone Service Providers (PSP) leasing public access lines (PAL) from a LEC are responsible for supplying the LEC with the phone instrument location if that location is different from the access line demarcation point. When an E911 error or PSAP inquiry is received, Qwest will conduct an initial investigation. If the issue concerns the location of the demarcation point for a non-Qwest pay phone, then Qwest will update records to correct the location of the demarcation point. However, if the issue concerns the location of the pay phone instrument, which may be different from the demarcation point, then Qwest will need to refer the inquiry to the PSP for resolution. Qwest has no independent knowledge of the location of pay phone instruments that Qwest does not own. In the case of a resold or UNE-P PAL line, Qwest will refer the inquiry to the local exchange carrier that is leasing

the PAL line from Qwest.

When E911 errors or PSAP inquiries involve services provided by another local exchange provider or wireless provider, Qwest will conduct an initial investigation to verify its records. If the inquiry concerns information provided by the other service provider, then Qwest will refer the inquiry to the appropriate provider for resolution.

Qwest will conduct its initial investigation and refer the error or inquiry within three working days. Upon receipt of updated information from other service providers, Qwest will update its records pursuant to Section 2(c) and (d) of the Rule.

### **CONCLUSION**

Granting this waiver will ensure that the responsibility for providing accurate E911 information, resolving errors and PSAP inquiries, is assigned to the appropriate service provider. For the reasons stated above, the Commission should clarify that WAC 480-120-450(2)(e) only applies where the LEC receiving the notice of error or inquiry is also the service provider. Alternatively, if the Commission does not believe such clarification is appropriate, the Commission should grant Qwest a limited waiver of the rule as set forth herein.

RESPECTFULLY SUBMITTED this \_\_\_ day of March, 2003.

QWEST CORPORATION

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