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BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE RULEMAKING
PROCEEDING RELATED TO
TELECOMMUNICATIONS OPERATIONS,
Chapter 480-120 WAC

Docket No. UT-990146

**COMMENTS OF WELFARE RIGHTS
ORGANIZING COALITION**

I. INTRODUCTION

Welfare Rights Organizing Coalition (“WROC”) represents low-income families across the state of Washington including many families who are transitioning from welfare to work. WROC appreciates the opportunity to comment on this critical rulemaking process. WROC's primary goal in submitting these comments is to ensure that the Washington Telephone Assistance Program (“WTAP”) is properly administered in the state of Washington, it’s statutory, legislative and policy goals met, and the use of the WTAP program not encumbered by improper and unsupported regulatory measures or industry practices.

II. COMMENTS

It is the common practice in today’s telephone industry to deny participation in the WTAP program to any household which has an arrearage with its service provider. WTAP is a mandatory entitlement program. Unambiguous statutory language states that WTAP “shall be

1 available” to participants in certain DSHS programs. RCW 80.36.420. The primary purpose of
2 the WTAP program was to support the important policy goal of universal telephone service in
3 Washington. RCW 80.36.410. In particular the legislature was concerned that low-income
4 families might not be able to afford telephone service and enacted the WTAP program to address
5 that concern. Id.

6 The legislature, in establishing the WTAP program, recognized that most low-income
7 families lost their phone service because of nonpayment of long distance phone bills, not local
8 service bills. Accordingly the legislature established WTAP to provide basic local telephone
9 service alone. The legislature thus recognized that local telephone service is often a critical
10 lifeline for the ill and disabled and a necessary tool for obtaining the necessities of life such as
11 employment, education and healthcare. The obvious public policy behind providing low-income
12 families with phone arrearages with only basic telephone services was to limit their access to
13 expensive long distance services but allow them to remain connected to society through local
14 telephone service.

15 There is no language anywhere in the statutes which establish the WTAP program that
16 would allow the telephone industry or the UTC to condition participation in the WTAP program
17 on the payment of an arrearage as set forth in proposed WAC 480-120-174.¹ Indeed the
18 statutory language is clear and unambiguous in requiring that all recipients of certain DSHS
19 programs be provided with basic telephone service under the WTAP program. RCW 80.36.420.

21 ¹ For the same reasons those portions of proposed WAC 480-120-061, such as § (5), that would allow a company to
22 deny service based on a prior obligation also violate the statutory terms of the WTAP program. Moreover, under
23 current regulations a telephone customer may not have their local service terminated or denied because of toll
arrearages. At a minimum the proposed regulations should make clear that WTAP service cannot be terminated or
denied due to toll arrearages. It would seem reasonable however that a WTAP customer might be required to pay
for arrearages incurred under WTAP before being reconnected with WTAP service.

1 To the extent that the proposed regulations and industry practices condition participation
2 in the WTAP program on payment of the arrearage, either over time or in incremental payments,
3 such practices and proposed regulations are inconsistent with and contrary to the unambiguous
4 statutory language of the WTAP program. Agencies such as the UTC do not have the power to
5 make rules that amend or change legislative enactments. Bird-Johnson Corp. v. Dana Corp., 119
6 Wn.2d 423, 428 (1992); In Re Capello, 106 Wn.App. 576, 583 (Div. I 2001).

7 Consistent with WTAP's statutory foundation, the UTC could and should adopt a
8 regulation that prohibits conditioning participation in the WTAP on payment of an arrearage in
9 order to correct current industry practices. To the extent that industry practices or the proposed
10 UTC regulations condition participation in the WTAP program upon payment of an arrearage
11 they are invalid and should be withdrawn.

12 III. CONCLUSION

13 Any proposed regulations which condition participation in the WTAP program upon
14 payment of an arrearage should be withdrawn. The UTC should prohibit such contingencies.
15 WROC has reviewed the comments of Public Counsel and the Spokane Neighborhood Action
16 Program's Low-Income Telecom Project. Except to the extent that they are inconsistent with the
17 comments of WROC above, WROC supports the comments of Public Counsel and Spokane
18 Neighborhood Action Program's Low-Income Telecom Project.

19 DATED this _____ day of June, 2002.

21 _____
David Girard, WSBA #17658
22 Attorneys for WROC
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