

In the Matter of the Rule-Making  
Proceeding  
Related to Telecommunications  
Companies – Chapter 480-120 WAC

DOCKET NO. UT-990146

**Comments of  
Seattle Telecom Consortium  
(Senior Rights Assistance/Senior Services,  
Washington Protection Advocacy Systems and  
Asian Counseling and Referral Services)**

June 27, 2002

The Seattle Telecom Consortium files these comments in response to the Commission's May 30, 2002, Notice of Opportunity to Comment on Proposed Rules in this docket. While we applaud the Commission on many of the rule revisions, we still have very serious concerns regarding some of the rules. Are comments are made against the backdrop of consumer rights. We firmly believe that consumers have the following four basic consumer rights: the right to privacy, the right to be informed, the right to quality service, and the right to a fair complaint and redress process. We further believe that telecommunications consumers have an additional three rights as part of a social contract: the right to basic local service, the right to accommodation in some circumstances, and the right to a second chance. We firmly believe it is the Commission's duty to ensure these rights, and that the Commission's rulemaking has the affect of granting and limiting the rights of the People of Washington State.

**The Right to Be Informed  
WAC 480-120-104 and WAC 480-120-251**

We applaud the Commission for restoring the “rate of service” to the welcome letter and requiring the TTY number be included in information sent to consumers. However, two proposed rules still seriously limit the right of consumers to be informed: **WAC 480-120-104 and WAC 480-120-251**. These two rules allow a LEC to provide much needed consumer information either in the directory or in a welcome letter. We repeat our request that the Commission recognize the right of consumers to be adequately informed by requiring LECs to provide basic consumer information at a minimum in two ways: by direct mailings **AND** in the directory. It is irresponsible to require anything less. If educators, marketing gurus, and media folks agree on anything, it is that people need to be provided information in multiple formats and multiple settings. If the Commission does not require telephone companies to provide this information both in the directory **AND** by direct mailings, then the responsibility will fall upon the Commission. The Commission will then need to expend the necessary state resources to ensure that Washington State telephone utility customers are adequately informed about the terms and conditions of service for their public telephone service by distributing the information itself. We urge the Commission not to shirk its responsibility to the People of Washington State.

**The following changes should be made before WAC 480-120-104 - Information to consumers is adopted:**

1 (d) If the application is for local exchange service, the LEC must ~~either~~ provide information required in WAC 480-120-251 (6)(a) through (f) ~~or~~ and must inform the customer that additional information pertaining to local exchange service may be found in the consumer information guide of the local telephone directory as required in WAC 480-120-251.

**The following changes should be made before WAC 480-120-251 - Directory service is adopted:**

~~(6) Any LEC whose "welcome letter" or "confirming notice" relating to initial service as required by WAC 480-120-104(1), does not contain the information contained in (a) through (f) of this subsection, must publish or have published in the directory provided to its customers, a consumer information guide that details the rights and responsibilities of its customer.~~ (6) A LEC must publish in any directory that it provides to its customers, information contained in (a) through (g) of this subsection:

- (a) Process for establishing credit and determining the need and amount for deposits;
- (b) Procedure by which a bill becomes delinquent;
- (c) Steps that must be taken by the company to disconnect service;
- (d) Washington telephone assistance program (WTAP);
- (e) Federal enhanced tribal lifeline program, if applicable; and

(f) Right of the customer to pursue any dispute with the company, including the appropriate procedures within the company and then to the commission by informal or formal complaint.

(g) The Telecom Consumer Bill of Rights.<sup>1</sup>

As noted above, we further request that companies be required to publish the Telecom Consumer Bill of Rights endorsed by the Telecommunications Consumer Educational Consortium on January 17, 2002, or an alternative Telecom Consumer Bill of Rights to be prepared and endorsed by the Commission and Public Counsel. Many other states have taken this step forward to protect public interest by making this a requirement of their telecommunications rulemaking, including the recent adoption of a Telecom Consumer Bill of Rights by the California Public Utilities Commission.

### **The Right to a Fair Complaint and Redress Process.**

While we are pleased to see the addition of language that addresses consumer concerns about the companies use of their complaint information, the overall proposed *WAC 480-120-166 Customer complaints* is unacceptable “as-is”. Nothing is more clear to consumer advocates than that customer complaints are not being handled in a satisfactory or timely fashion. A three-month minimum timeframe to have a credit appear on a customer’s bill is ridiculous. Past regulations have allowed companies to create a customer service and billing infrastructure that clearly ignores consumer rights and abuses customers. The Commission has a unique opportunity, thanks to Governor Locke’s executive order 97-02, to address this problem. We again request that the Commission establish company performance standards related to the processing of complaints and disputes. We urge the commission to adopt the following performance measure rule previously submitted 3/13/02.

#### **480-120-16X Company performance standards for complaints and disputes.**

- 1) The following standards for processing complaints apply:
  - a) For service-affecting complaints the company must promptly investigate the complaint
    - i) within five business days after the initial complaint, have investigated and closed ninety percent of complaints received each month.
    - ii) within ten business days after the initial complaint, have investigated and closed ninety-nine percent of the complaints received in one month.

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<sup>1</sup> See Appendix A

- iii) within one month after the initial complaint, have investigated and closed 100% of the complaints received in one month.
- 2) For non-service affecting complaints the company must promptly investigate the complaint
  - a) within five business days after the initial complaint, have investigated and closed eighty percent of complaints received each month.
  - b) within ten business days after the initial complaint, have investigated and closed ninety percent of the complaints received in one month.
  - c) Within two months after the initial complaint, have investigated and closed 100% of the complaints received in one month.
- 3) For purposes of determining the amount of penalties that shall apply if a LEC fails to complete complaint investigations required by subsections (1)(a), (b), and (c) of this section, each complaint that the LEC fails to investigate and close in excess of the highest number of uncompleted orders that would not have triggered a violation shall be a separate violation.

### **We Still Want the Toll-free Telephone Number Listed.**

We repeat our simple request for the reinstatement of CR101 language that requires the toll-free telephone number for the customer's presubscribed interLATA and intraLATA carriers be included in the welcome letter. We do not believe the telephone companies claim that this is an undo burden or substantial company expense that will increase consumer rates. Clearly a well run organization would have, or should have, these phone numbers as a part of doing business.

### **The following changes should be made before WAC 480-120-104 - Information to consumers is adopted:**

- 2(c) (c) If the application is for local exchange service, the local exchange company (LEC) must include the name of the customer's presubscribed interLATA and intraLATA carriers, and the toll-free telephone number, if available and applicable, and;
- 3) When a LEC is acting as an executing carrier under WAC 480-120-147, it must make the following information available upon request: (a) The name of the intraLATA and interLATA interexchange company to which the customer's account is currently subscribed, and the toll-free telephone number if available; and

### **The Issue of Language Translation.**

We applaud the Commission for including language in WAC 480-120-147 that addresses our concerns about the deceptive use of partial translation of materials used to solicit business. We again repeat an earlier request that the Commission go one step further and adopt the following rule language.

#### **480-120-xxx. Translation of Consumer Information**

If a company solicits or responds to an applicant or customer in a language other than English, the company must provide information and customer service in that language, or inform the customer at the initial time of solicitation that future communications, including important information that may affect service, may only be in English.

The alternative suggestion is to add this language to 480-120-061, 104, 105, 122, 165, 172 and 201.

### **Credit Reports for an Essential Public Service?**

Basic telephone service has been considered an essential public service since 1934. Telephone companies that provide a public service or public utility should not expect the same latitude in “picking” customers as companies that provide nonessential. Public utilities and public service companies have been, and are, well compensated through regulatory advantages including public right of ways and public regulatory subsidies of a sort. WAC 480-120-122 Establishing credit--Residential services needs substantial revision. Some of our concerns include: lack of public awareness and input on this issue; an unrealistic attempt to separate credit deposit requirements for basic service and ancillary service; a lack of consistency in language. Public Counsel has addressed many of our concerns within their comments and we strongly urge the commission not to move forward on this new rule until substantial revisions have been made. Adoption of this rule “as-is” will only harm the most vulnerable low-income consumers.

### **Refusing service**

We share Public Counsel’s concerns with WAC 480-120-061. In addition, we urge the Commission to add language that clearly states that companies must keep a record of applications that have been denied service; and these records must be available for Commission review. It is clear from the Commission’s own investigations and informal reports from consumers that companies do not keep adequate records of requests for services that are denied.

### **The following changes should be made before WAC 480-120-061 is adopted:**

1(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service, and applications denied service.

7) If an applicant or customer has been refused service, the company must inform them in writing of the denial, the reason for the denial, and their right to appeal to the WUTC.

### **In addition, the following change needs to be made to WAC 480-120-103 Application for service.**

1(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service, and applications denied service.

### **Consumer Concern over Social Security Numbers.**

We also request that the Commission include language from an earlier draft that explicitly stated that consumers do not have to provide their social security number. Seniors and others have clearly expressed their preference for not giving out their SS#. The Commission

needs to do everything it can to protect the People of Washington's right to privacy. Phone company representatives have, in the past, insisted that customers provide a SS# to obtain service. A clear statement in the rules that a customer does not have to provide a SS# will prevent any future misinterpretations. We have found that phone company representatives, such as supervisors, do actually refer to sections in the WAC 480-120.

### **Two Minimum Basic Services Should be Offered.**

People in Washington State should have the right to choose between flat-rate and measured basic service. While there are many pros and cons to consider when an individual chooses measured vs. flat-rate basic service, it should be the individual's choice. Measured service can be an option for low-income people who do not qualify under Washington state's limiting DSHS-linked WTAP requirements. We understand that in the past, following the breakup of AT&T, some companies, and indeed some policy makers, preferred mandatory measured local service. While this should never be the only option for customers, it can provide a viable option for low-end users who need a low-cost manageable solution to maintaining basic service. For example, a Qwest customer can get measured service for about \$7 compared to the \$4 WTAP rate. Requiring local phone service companies to offer both measured local service and flat-rate service gives customers a choice.

### **The following changes should be made before WAC 480-120-102 is adopted:**

(2) Types of service. LECs must offer, at a minimum, flat-rate local exchange service and local measured service. In addition, companies may offer service alternatives, ~~such as local measured service.~~

### **One-Way Rule for Application for Service?**

**480-120-103 Application for Service.** The way this rule is currently written seems to create a potential loophole. It applies only when an applicant contacts a company. While this may be the primary means of customer applications to companies today, it does not address the scenario of a company contacting a potential applicant. We expect this scenario to increase as competition for local phone service increases. Currently it is impossible for an individual in Washington State to "shop" for basic local phone service. There is no available listing of companies. A call to WUTC will not be helpful, nor will a search on the WUTC website that lists over a hundred registered companies that MAY offer local service (but 99% don't). We all have had clients who want to change local phone service companies, usually because of poor customer

service or unresolved billing problems, only to find they have no “choice.” While the Commission requires the name and number of a LEC be listed in the phone directory (if a LEC wants a listing), the directory itself is published so infrequently as to be often useless for current customers shopping in a rapidly changing telecommunications environment. The only way it seems for an individual to become aware of an alternative local phone service company is by the company contacting the customer. Adding the simple phrase “or when a company contacts an applicant” will prevent any unintended loopholes.

**The following changes should be made before WAC 480-120-102 is adopted:**

**WAC 480-120-103 Application for service.** (1) When contacted by an applicant, or when a company contacts an applicant, a company must:

**Alternative language:**

5) When a company contacts a potential customer to offer service, either by mail, phone, email, or in person, a company must accept and process applications from these applicants in the same way that it accepts and processes applications initiated by an applicant.

**Discrimination and Profiling?**

We again request language be added to the rules that explicitly prohibitions discrimination. Currently there is no way to track a company’s performance in regards to profiling of customers. Informal complaints suggest such activity does occur. Providing clear rules against discrimination and a requirement for companies to tracking denial of service, disconnections, and delayed orders is in the public interest.

**The following changes should be made before WAC 480-120-103 is adopted:**

(1) When contacted by an applicant, or when a company contacts an applicant a company must: (1ax) Process applications, without discrimination based on nationality, race, gender, marital status, age, income, or address.

**Conclusion**

We appreciate all the hard work the Commission has put into the revision of the Telecommunications Rules, and the opportunity we have had to participate in workshops and provide comments. We know you all take your responsibilities seriously. We urge you make the changes we have requested. Washington citizens are counting on you. The rules you adopt determine the rights of Washington State Telecom consumers.