

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of:

RULEMAKING TO CONSIDER AMENDING RULES IN WAC 480-120, TELEPHONE COMPANIES, WAC 480-121, REGISTRATION AND COMPETITIVE CLASSIFICATION OF TELECOMMUNICATIONS COMPANIES, WAC 480-122, WASHINGTON TELEPHONE ASSISTANCE PROGRAM, WAC 480-123, UNIVERSAL SERVICE, WAC 480-140, COMMISSION GENERAL – BUDGETS, AND WAC 480-143, COMMISSION GENERAL – TRANSFERS OF PROPERTY, DUE TO COMPETITIVE CHANGES WITHIN THE TELECOMMUNICATIONS TO MEET CONSUMER, COMMISSION AND INDUSTRY REQUIREMENTS NO LONGER APPLICABLE UNDER THE EXISTING WAC RULES

DOCKET NO. UT-140680

CR-102 COMMENTS OF CENTURYLINK

**I. INTRODUCTION**

*I* CenturyLink hereby files its second round of comments in this docket in which the Washington Utilities and Transportation Commission (“Commission”) has issued a CR-102 in its rulemaking to consider amendments to the rules governing the provision of telecommunications services in the state. Affected chapters of the Washington Administrative Code are Chapters 480-120 (Telephone Companies); 480-121 (Registration and Competitive Classification); 480-122 (WTAP); 480-123 (Universal Service); 480-140 (Budgets); and, 480-143 (Transfers of Property).

## II. BACKGROUND

- 2 The latest version of the proposed rules incorporates the changes originally proposed by Commission Staff prior to the first round of comments. Those changes reflect important steps toward modernization of the telecom rules in recognition of the robust competitive market for telecom services in the state of Washington. CenturyLink is very appreciative of the initiative taken by Staff to propose elimination of outdated and unnecessary requirements, and to streamline and combine rules where possible.
- 3 There are a few remaining areas that CenturyLink would like to again propose for modification, consistent with the modernization reflected in the updated rules.

## III. ADDITIONAL RULE MODIFICATIONS

- 4 WAC 480-120-133 Response Time for Calls to Business Office or Repair Center During Regular Business Hours. CenturyLink again recommends that this rule be eliminated, consistent with other rules that are being repealed. Market forces are able to regulate this type of behavior better than metrics can. Non-regulated competitors, such as cable and wireless companies, are not held to these standards. Staff has proposed eliminating a number of rules on the basis that “competition is affecting all ILECs and CLECs and the market should dictate service quality.” CenturyLink agrees and believes that this rule should also be eliminated.
- 5 The customers’ experience when they call with questions or concerns is very important to CenturyLink, and competitive alternatives to CenturyLink’s service dictate that CenturyLink must manage this portion of its business in a way that is customer-friendly and provides good service quality. Regulation of things such as wait times, and what menu options should be offered, is simply out of date and no longer needed. In addition, the rule uses outmoded metrics, which do not reflect the current (much more

sophisticated) options that a customer has to complete many types of service orders and inquiries without speaking to a live operator at all. Attachment A includes two proposed options for amendment to this rule. Option A.1 eliminates the outdated metrics, while option A.2 would retain the rule but measures only the calls to the repair center – it is these calls that are more likely to go to a live representative, and arguably are the ones that are most invested with the public interest in terms of continued regulation, so these are the calls that should be measured. The business office (non-repair) calls can often be handled 100% through the voice response system or via e-mail or live chat, and therefore it is not a good measure to include those in the response time metric.

- 6 WAC 480-120-172, Discontinuing Service. CenturyLink discussed some proposed changes with Staff, but no amendments to this rule are proposed in the current draft.
- 7 CenturyLink recommends changes to subsection (8) regarding the type and timing of disconnect notices. Subsection (b) is for electronic notices, and the scheduled disconnect date cannot be until after 5:00 p.m. on the *second business day* after the notice. Because CenturyLink does not disconnect after 5:00 p.m., this effectively gives customers 3 days. CenturyLink recommends that it be changed to the “next” business day, to synch up with subsection (d) on telephone notice. CenturyLink also recommends that the Commission add the option of sending notice via text message.
- 8 Subsection (d) governs telephone notice. As noted above, CenturyLink does not disconnect after 5:00 p.m., so the language as written effectively works like this: Two calls to the customer Monday. Disconnect is not permitted before 5:00 Tuesday. CenturyLink does not disconnect after hours, so the disconnect happens Wednesday. This gives the customer another couple of days to respond *and* the customer has already also been provided with a written notice. In light of this, CenturyLink supports reducing the required call attempts to one call instead of two, which is the norm in other states. To

put this in context, in Washington alone, CenturyLink calls over 14,000 residential customers *per month*. That is a lot of extra phone calls.

- 9 WAC 480-120-255, Information Delivery Services. CenturyLink would like to acknowledge that Staff did accept the recommendation to simplify this rule. CenturyLink appreciates this modification, which will make the requirement less burdensome, while still providing the required statutory notice to consumers.
- 10 WAC 480-120-174 Payment Arrangements (1) General. This subsection of the rule requires us to restore service on an unpaid account if the customer agrees to a six-month payment plan (the option is available once every 5 years). Monitoring these plans is manual and labor intensive, and that the customer often ends up defaulting anyway, so the rule really just provides additional months of (free) service for the time it takes to disconnect them again. This requirement does not exist in any other state. Thus, CenturyLink would like to eliminate it. Subscribers can get service restored under the emergency medical conditions provisions, and under the TAP program, so it does not seem necessary to have this rule as the vulnerable customers are covered under other provisions. In addition, wireless and cable do not have this obligation.
- 11 WAC 480-120-438 Trouble Report Standard. Consistent with the elimination of various other service quality metrics and reports, the trouble report standard in this rule should be eliminated, and the rule deleted.
- 12 480-120-445 Damage Reporting Requirements. This is a new section to implement the damage reporting requirements under Chapter 19.122 RCW. CenturyLink already complies with the statute, and submits these comments to confirm that the requirements under subsection (1) are consistent with the current reporting method.
- 13 CenturyLink would also like to recommend a change to subsection (2) to remove the notification requirement from the facility operator, and to suggest that the process of

notifying the excavator may be more suited as a function of Commission Staff. This is really an enforcement and compliance issue – a notice from CenturyLink is likely to have less effect than a notice from the Commission. In addition, CenturyLink is concerned that this requirement is not contained in the statute, and creates additional cost and administrative burden for facility operators.

- 14 WAC 480-123 Universal Service. CenturyLink believes that the Commission could simplify and streamline the ETC reporting requirements in WAC 480-123-060, -070, and -080 by modifying those rules to require only the information on FCC Form 481 (along with an officer affidavit attesting to the proper use of funds). This would be a competitively neutral alternative to the current rules, which burden companies who report in multiple jurisdictions. As it currently stands, the information required under WAC 480-123-070(2)-(6) is duplicative of the information required by the FCC.
- 15 The Commission should align its reporting requirements and timing (which Staff has done in its proposed modifications to the rules) with those required by the FCC to recognize the FCC’s call for a uniform reporting process, as well as to avoid the inefficiencies of state specific processes for companies that operate in multiple states. The FCC has identified the information and certifications it believes is required for companies to demonstrate their compliance with the obligations of the federal high cost and lifeline programs and also requires that the same information be filed with state commissions and other relevant authorities such as Indian tribes.
- 16 As much as possible, the Commission should accomplish this alignment by citing the specific FCC rules or adopting them by reference. Repeating the language in the WAC from the current FCC rules would require continual monitoring and updating as is being done in this docket. There is no independent requirement for the ETC certification process in Washington outside of the federally delegated authority for purposes of the

federal high cost and lifeline programs and the Commission's rules should not go beyond those requirements.

- 17 CenturyLink has proposed combining sections -060, -070, and -080 and streamlining the rule to more closely match the Form 481 requirements. The proposal is included as Attachment B, both clean and redlined versions.

### CONCLUSION

- 18 CenturyLink looks forward to participating in the upcoming rule adoption hearing, and may have additional comments at that time.

Submitted this 6<sup>th</sup> day of January 2015.

CENTURYLINK

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