

July 16, 2002

Comments on behalf of
ATNI-EDC's
Tribal Telephone Outreach Program

The Tribal Telephone Outreach Programs appreciates that opportunity to provide reply comments to the proposed rules regarding the matter of Rule-Making Related to Telecommunications Companies – Chapter 480-120 WAC.

480-120-122 Deposits

We request that the Commission require LEC to waive any local service deposit as allowed under proposed rules 480-120-122(1) (a) through (e). Many families site service deposits as the reason for not having a telephone. Many households in Indian Country are poverty stricken and/or on very low fixed incomes. Currently, if a family is on Tribal Lifeline or WTAP they only pay \$1.00 or \$4.00 respectively. In most cases the LECS are reimbursed every last dollar of the connection fees. In addition, they are reimbursed for the balance of the basic monthly phone service from either State or Federal dollars. With toll restriction (reimbursed by state or federal dollars as well) as well as no ancillary services the LEC is literally risking only up to \$4.00 per month for a waiver of deposit for a low-income family. Therefore, we recommend the following change in language to rule 480-120-122:

WAC 480-120-122 Establishing credit--Residential services.

(1) This section applies only to the provision of residential services. A local exchange company (LEC) may require an applicant or customer of residential basic service to pay a local service deposit only in accordance with (a) through (e) of this subsection. For a LEC that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering. Notwithstanding (a) through (e) of this section, a LEC may not require a deposit for residential basic service if the customer or applicant is eligible for either the Washington Telephone Assistance Program or enhanced tribal lifeline program, agrees to participate in either the Washington Telephone Assistance Program or enhanced

tribal lifeline program, and agrees to toll restriction and ancillary service restriction, or both, if the company requires it.

(a) If the applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) If the applicant or customer has had basic service discontinued by any telecommunications company;

(c) If the applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) If the applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172; or

(e) If the applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172.

Credit Reports – 480-120-122

The Tribal Telephone Outreach Program supports the objections of the Public Counsel and others over the language in the draft rules that allow the use of credit reports in determining whether a consumer represents a credit risk. Credit reports are often inaccurate and difficult to correct and not a good representation of how reliable a customer is at keeping current with their utility bills.

New Section – 480-120-166

The Tribal Telephone Outreach programs strongly objects to Qwest's or any Company's requested changes to this proposed rule. Qwest says: "The Company cannot, without extraordinary additional expense, readily track and produce complaint records from individual customers complaining about service or rates that did not file such a complaint with the Commission or a company executive." We believe that if a company in fact doesn't have the capabilities to track customer complaints, it would only serve them better to have such a computer system. Furthermore, the telecom's have highly sophisticated and high powered computers that could most likely produce customer service reports like the commission requests in this rule. We further object to the reasoning by Qwest that, "If a customer has not filed his or her complaint with the Commission it is generally because the Company has resolved the issue and there is not need for Commission involvement". **This is not the case for the many consumers our program has assisted. The complaint is not filed with the Commission because most consumers in Indian Country don't know that option exists.** It is also our experience that trying to resolve complaints within the organization leaves consumers

frustrated, confused and ultimately they give up. In addition, to try and locate a company executive (the other person with whom a complaint will be formally logged) is difficult if not impossible to achieve. **Therefore we recommend the Commission leave the proposed rule as written.**

Telecommunications Consumer Bill of Rights.

The Tribal Telephone Outreach Program fully supports the adoption of the Washington Telecommunications Education Consortiums Consumer Bill of Rights.

Sincerely,

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