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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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In the matter of the rulemaking proceeding)	
related to Telecommunications Operations –)	DOCKET NO: UT - 990146
Chapter 480-120 WAC)	
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Comments of Washington Protection and Advocacy System

Respectfully submitted this ~~19th~~ 22th day of July, 2002.

I. Introduction

Washington Protection and Advocacy System (WPAS) is a nonprofit disability advocacy organization that promotes the civil and human rights and self-determination of persons with disabilities via litigation, systems and policy advocacy, and an information and resource referral network. WPAS appreciates the consideration of prior comments and their incorporation into the rulemaking process. WPAS thanks the Commission for the opportunity to again comment on the proposed rules and reply comments on behalf of persons with disabilities who reside in Washington.

1 WPAS noted in the reply comments from telephone companies a misperception that an
2 array of services and choices are readily accessible for the average telephone consumer.
3 In truth there is a barrage of misinformation and confusion promulgated by the
4 telecommunication industry, and persons with disabilities, seniors, persons who use
5 English as a second language and persons who are low-income are faced with
6 restrictions, limited options, and are even targeted for fraudulent telecommunication
7 practices. WPAS is grateful for the efforts by the Commission and staff to streamline
8 consumer rules, engendering consumer accessibility and promoting LEC accountability.
9

10 **II. Comments**

11 WAC 480-120-122 Establishing credit – Residential Services – Deposits

12 WPAS strongly supports the reply comments of the Low Income Telecommunications
13 Project and the Welfare Rights Organizing Coalition with regards to proposed deposit
14 requirements for those eligible for the Washington Telephone Assistance Program
15 (WTAP). WPAS also respectfully requests the Commission require an LEC waive any
16 local service deposit requirements as allowed under proposed rules 480-120-122 (1) (a)
17 through (e).
18

19 For persons with disabilities, basic phone service is an imperative link to community.
20 Many persons with disabilities depend on Medicaid and are eligible for WTAP.
21 Furthermore, persons with disabilities are often forced to remain low-income because
22 employment which affords accommodation is not attainable, or because employment
23 wages or other income would jeopardize vital benefits like healthcare and housing. For
24 these individuals, as for all individuals who are low-income, WTAP is a critical service,
25 and a deposit requirement for basic phone service could create undue hardship and even
26 prevent access to basic service.
27

1 WAC 480-120-122 Establishing credit – Residential Services – **Credit Reports**

2 The proposed use of credit reports to determine whether or not a consumer is a credit
3 risk places consumers with disabilities in a very vulnerable position, and WPAS urges
4 the Commission to reconsider this rule. Many persons with disabilities are very low
5 income and have no established credit at all. Research shows that persons with
6 disabilities are at increased risk of fraud and theft, leading to credit reports that have
7 been unintentionally ruined and remain difficult to correct. Additionally, binge
8 spending is a symptom of mental illnesses, such as manic depression. Persons with
9 manic depression may have steadfast and gainful employment and raise families and
10 pay monthly utilities bills on time, but have periodic episodes of binge spending which
11 devastate credit establishment. WPAS supports the comments of Public Counsel,
12 emphasizing credit reports are a poor prediction of the quality of a utility consumer, and
13 should not be used to potentially further restrict basic service access.

14
15 WAC 480-120-104, 480-120-104, 480-120-251:

16 Information to consumers & Directory Service

17 WPAS requests that the Commission require LECs to provide consumer information in
18 the directory, *and* in the welcome letter. WPAS also requests LEC's be required to
19 provide directory assistance to persons who are Blind over the telephone.

20
21 To ensure persons with disabilities receive the necessary information provided in a
22 welcome letter and/or directory, multiple formats are imperative. Persons with cognitive
23 disabilities and persons who are deaf or hard of hearing and use TTY rarely use
24 directories, and would obtain this information via the mail. On the other hand, persons
25 who are blind and use Braille are likely to obtain this information through mailing only
26 if it is provided in Braille, otherwise they would need a text reader to obtain the
27 information via the directory, or would need the LEC to read the information from the

1 directory over the phone. Providing this information in both formats creates
2 accessibility and ensures the information is available to those who need it.

3
4 WPAS also requests that a section (7) be added to **WAC 480-120-251 Directory**
5 **Service** for persons who are legally blind, or have disabilities which prevent them from
6 reading the directory. It has recently come to the attention of WPAS that an LEC will
7 provide very limited or no directory assistance to persons who are blind, and will not
8 provide any detailed information. Therefore, WPAS requests that language be placed in
9 the regulations to provide this accommodation:

10
11 (7) Each LEC that publishes a directory must provide a Braille copy of the
12 directory to customers who are certified as legally blind, on request of the
13 customer, or must provide at no extra charge extended directory assistance
14 to those with disabilities that prevent them from using a directory.

15
16 **WAC 480-120-165 & 166 Complaints and Disputes**

17 WPAS thanks the Commission and staff for the WACS 480-120-165 –166, and requests
18 that these rules remain, at a minimum, as they are proposed. Requiring a tracking
19 system would help discern the origin of discrepancy between what QWEST and others
20 state is an accurate and efficient complaint system and what consumers claim is
21 insufficient. Although QWEST’s reply comments indicate that information surrounding
22 a process for complaints is readily available, in reality the consumer is expected to
23 explore and understand an unfamiliar process without knowledge of the need to speak
24 to a supervisor/executive and then file a formal complaint with the WUTC. In WPAS’
25 experience LECs are not forthcoming with explanation of this process to the consumer.
26 We support, along with Public Counsel, the addition of a new rule that requires
27 performance standards for consumer complaints.

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WAC 480-120-172 Discontinuing Service – Company Initiated

WPAS thanks the Commission for its extension from five to ten business days for qualified medical professional certification to allow continued emergency 911 access.

While telephone companies oppose this ruling, WPAS would like to re-emphasize that it is very difficult and sometimes impossible to obtain written notice from a certified medical professional in less than two weeks. WPAS requests language for this rule stays as it has been proposed.

Inclusion of TTY in the rules

WPAS thanks the Commission for requiring TTY numbers listings in LEC correspondence throughout the rules. While this was met with reluctance from the phone companies for specified reasons that were not entirely clear, WPAS found the reply comments to be disconcerting. Page 28 of QWEST’s reply comments states:

The company currently provides all notices in Braille to customers who request such. Therefore, it is unnecessary to print the TTY number on the notice. The company’s TTY number is already contained in its directory, which is readily available to all consumers.

While QWEST could not be reached for clarification, this seems to imply that Braille service for the blind would preclude the need for TTY services for the deaf , or that there is a misunderstood correlation between Braille and TTY services. This suggests QWEST lacks the basic knowledge of disability awareness or of providing appropriate, accessible telecommunication service to persons who have disabilities. It would seem discriminatory to send, to an individual who is deaf a disconnect notice without

1 providing TTY access. The argument that these numbers are listed in the directory is
2 not particularly helpful either, as most persons who utilize TTY would most likely rely
3 on a relay operator for a telephone number, and since relay operators may be located
4 nationwide, it is unclear whether they would be able to provide the appropriate TTY
5 number for the customer's needs. Furthermore, WPAS has in the past received
6 complaints that the LEC TTY number in the directory was incorrect and the person had
7 to write the LEC to obtain an accurate number, after being unable to locate the number
8 online. This would certainly pose problems for a time sensitive disconnect notice.

9
10 **Telecommunication Bill of Rights**

11 WPAS supports a Telecom Bill of Rights for consumers with the protections afforded
12 therein. While WPAS supports deregulation and a competitive market, it seems that
13 rather than being a driving force in this process, consumers have been lost in the
14 shuffle; especially those consumers who are low-income, seniors, limited English
15 speaking, have chronic health needs and/or have disabilities. Providing the protections
16 of a Bill of Rights, as other States have done, will help consumers establish and
17 maintain a foothold and perhaps offer direction in the rapidly changing landscape of the
18 telecommunication industry.

19
20 WPAS thanks the Commission for its consideration in this rulemaking process.

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