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Item Number: C 2

Docket: UT-990146
Company Name: All Telecommunications Companies

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Recommendation

Adopt the proposed rules¹ as revised based on written and oral comment.

Background

The Commission has undertaken a review of all the rules contained in Chapter 480-120 WAC pursuant to Executive Order 97-02. The rules are to be reviewed for content and readability, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. The review also includes consideration of whether substantive changes or additional rules are required for telecommunications regulation generally, and in response to the Federal Telecommunications Act of 1996 in particular.

Process

Between April, 1999 and November, 2000, Commission Staff held five workshops in this rulemaking, culminating in adoption of several rules that stakeholders agreed were non-controversial. Subsequent to that time, Commissioners and Commission Staff have taken a variety of actions in this docket, including producing three versions of chapter 480-120; holding eleven stakeholder workshops with five attended by commissioners; and two evening public meetings attended by Commissioners.

On April 3, 2002² and May 30, 2002, proposed rules were filed with the Code Reviser. At those same times, notice was provided to more than 1,500 interested persons requesting written comment and reply comments, and also announcing today's adoption hearing. Copies of the proposed rules were posted on the website; for the convenience of

¹ The proposed Customer Information rules will not be the subject of an adoption hearing today. Action by the FCC has resulted in a determination by the Commission that a hearing should be held at a later date in order to permit interested person an opportunity to obtain and review the FCC's adopted, but not yet released, rules concerning customer proprietary network information.

² Customer Information rules were filed on this date.

interested persons, a strikeout version of the proposed consumer and technical rules was posted so that changes made as a result of the CR-102 hearing in March would be readily apparent.

Issues

The proposed rules under discussion today have been separated into ten sections to promote clarity. The sections are:

1. General Rules
2. Establishing Service and Credit
3. Payments and Disputes
4. Discontinuing and Restoring Service
5. Posting and Publication
6. Customer Information
7. Telecommunications Services
8. Financial Records and Reporting Rules
9. Safety and Standards Rules
10. Adoption by Reference

In general, the rules have been changed to require measurable results rather than prescribe inputs. Existing rules with aspirational statements and input requirements have been eliminated or modified.

The Commission has asked for and received comment on all topics in this rulemaking, and received written comments on every section.

Summary

Adopt the proposed rules as revised based on written and oral comment.

UT-990146

Chapter 480-120

Telecommunications Operations

Proposed Rules

PART I. GENERAL RULES

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

WAC 480-120-011 Application of rules. (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission as to rates and services under ((RCW 80.04.010)) the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) The ~~((effective))~~ tariffs ((provisions)) and price lists filed by companies ~~((shall))~~ must conform to these rules. ~~((The commission's acceptance of a tariff that conflicts with these rules does not constitute a waiver of these rules.))~~ If the commission accepts a tariff or price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC). Tariffs or price lists that conflict with these rules without approval are superseded by these rules ((unless the commission authorizes the deviation in writing)).

(3) Any affected person may ask the commission to review the interpretation of these rules by a company or customer by posing an informal complaint under WAC 480-09-150~~((7))~~ (Informal complaints), or by filing a formal complaint under WAC 480-09-420~~((7))~~ (Pleading and briefs--Application for authority--Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to ~~((penalty provisions of chapter 80.04 RCW))~~ penalties as provided by law.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-120-017 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-120-019 Telecommunications performance requirements-- Enforcement. The commission may enforce the performance requirements set forth in this chapter by imposing administrative penalties under RCW 80.04.405, 80.04.380, or other appropriate penalty statutes. These performance requirements are not intended to establish civil duties owed to any individual or class for any other purpose.

AMENDATORY SECTION (Amending Order R-452, Docket No. UT-970301, filed 12/29/98, effective 1/29/99)

WAC 480-120-021 (~~Glossary~~) Definitions. (~~Access line~~—a circuit between a subscriber's point of demarcation and a serving switching center. ~~Access code~~—sequence of numbers that, when dialed, connect the caller to the provider of operator telecommunication services associated with that sequence.

~~Aggregator~~—is referenced in these rules as a call aggregator, defined below.

~~Alternate operator services company~~—is referenced in these rules as an operator service provider (OSP), defined below.

~~Applicant~~—any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

~~Automatic dialing announcing device~~—any automatic terminal equipment which incorporates the following features:

- ~~(1) (a) Storage capability of numbers to be called, or~~
- ~~(b) A random or sequential number generator that produces numbers to be called, and~~
- ~~(c) An ability to dial a call, and~~
- ~~(2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.~~

~~Automatic location identification/data management system (ALI/DMS)~~—ALI/DMS is a feature that forwards to the public safety answering point (PSAP) a caller's telephone number, the name and service address associated with the telephone number, and supplementary information as defined in the DMS for automatic display at the PSAP. The DMS is a combination of manual procedures and computer programs used to create, store, manipulate, and

~~update data required to provide selective routing, ALI, emergency service numbers, and other information associated with the calling party's telephone number.~~

~~Billing agent — a person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.~~

~~Base rate area or primary rate area — the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.~~

~~Call aggregator — any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including but not limited to hotels, motels, hospitals, campuses, and pay phones (see also pay phone service provider).~~

~~Centrex — a telecommunications service providing a subscriber with direct inward dialing to telephone extensions and direct outward dialing from them.~~

~~Central office — a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)~~

~~Commission (agency) — in a context meaning a state agency, the Washington utilities and transportation commission.~~

~~Commission (financial) — in a context referring to compensation for telecommunications services, a payment from an AOS company to an aggregator based on the dollar volume of business, usually expressed as a percentage of tariffed message toll charges.~~

~~Competitive telecommunications company — a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.~~

~~Competitive telecommunications service — a service which is classified as such by the commission pursuant to RCW 80.36.330.~~

~~Consumer — user not classified as a subscriber.~~

~~Customer premises equipment (CPE) — telecommunications terminal equipment, including inside wire, located at a subscriber's premises on the subscriber's side of the standard network interface/point of demarcation (excluding pay telephones provided by the serving local exchange company).~~

~~Emergency calling — the ability to access emergency services by dialing 911, or dialing a local number to police and/or fire where 911 is not available, without the use of a coin or the entering of charge codes. Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) shall be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone.~~

~~Exchange — a unit established by a telecommunications company for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.~~

~~Exchange area — the specific area served by, or purported to be served by an exchange.~~

~~Farmer line — outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)~~

~~Farmer station — a telephone instrument installed and in use on a farmer line.~~

~~Foreign exchange service — a communications exchange service that uses a private line to connect a subscriber's local central office with a distant~~

~~central office in a community outside the subscriber's local calling area.~~

~~Interexchange telecommunications company~~ a telecommunications company, or division thereof, that does not provide basic local service.

~~Interoffice facilities~~ facilities connecting two or more telephone switching centers.

~~Local coin call~~ a connection from a pay phone within the local calling area of not less than fifteen minutes.

~~Location surcharge~~ a flat, per call charge assessed by an operator service provider (OSP) on behalf of a call aggregator/pay phone service provider in addition to message toll charges, local call charges, and operator service charges. A location surcharge is remitted, in whole or in part, to the call aggregator/pay phone service provider.

~~Operator service charge~~ a charge, in addition to the message toll charge or local call charge, assessed for use of a calling card, a credit card, or for automated or live operator service in completing a call.

~~Operator service provider (OSP)~~ any corporation, company, partnership, or person providing a connection to intrastate or interstate long distance or to local services from locations of call aggregators. The term "operator services" in this rule means any intrastate telecommunications service provided to a call aggregator location that includes as a component any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than: Automatic completion with billing to the telephone from which the call originated; or completion through an access code used by the consumer with billing to an account previously established by the consumer with the carrier.

~~Outside plant~~ the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights of way between the central office and subscribers' locations or between central offices.

~~Pay phone or pay telephone~~ any telephone made available to the public on either a fee per call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is coin-operated or is activated by calling collect or using a calling card.

~~Pay phone access line, public access line, pay telephone access line, pay station service, pay phone service (PAL)~~ is referenced in these rules as an access line, see above.

~~Pay phone services~~ provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

~~Pay phone service provider (PSP)~~ any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

~~Presubscribed provider of operator services~~ the provider of operator services to which the consumer is connected when a call is placed without dialing an access code.

~~Person~~ unless the context indicates otherwise, any natural person or an entity such as a corporation, partnership, municipal corporation, agency, or association.

~~Private branch exchange (PBX)~~ customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

~~Private line~~ a dedicated, nonswitched telecommunications channel provided between two or more points.

~~Public safety answering point (PSAP)~~ an answering location for enhanced 911 (E-911) calls originating in a given area. PSAPs are designated as a primary or secondary. Primary PSAPs receive E-911 calls directly from the public; secondary PSAPs receive E-911 calls only on a transfer or relay

~~basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.~~

~~Reverse search of ALI/DMS data base—a query of the automatic location identification (ALI/DMS) data base initiated at the public safety answering point (PSAP) to obtain electronically the ALI data associated with a known telephone number for purposes of handling an emergency call when the searched telephone line is not connected to the PSAP.~~

~~Special circuit—an access line specially conditioned to give it characteristics suitable for handling special or unique services.~~

~~Standard network interface (SNI)—the point of interconnection between telecommunications company communications facilities and terminal equipment, protective apparatus, or wiring at a subscriber's premises. The network interface or demarcation point is located on the subscriber's side of the telecommunications company's protector, or the equivalent thereof in cases where a protector is not employed.~~

~~Station—a telephone instrument installed for the use of a subscriber to provide toll and exchange service.~~

~~Subscriber—any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.~~

~~Toll station—a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.~~

~~Trunk—a single or multichannel telecommunications medium between two or more switching entities which may include a PBX.~~

~~Utility—any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.) The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.~~

"Access charge" means a rate charged by a local exchange carrier to an interexchange carrier for the origination, transport, or termination of a call to or from a customer of the local exchange carrier. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

"Access line" means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

"Affiliate" means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

"Ancillary services" means all local service features excluding basic service.

"Applicant" means any person applying to a telecommunications company for new service or reconnection of discontinued service.

"Average busy hour" means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Basic service" means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

"Business" means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"Business office" means an office or service center provided and maintained by a company.

"Business service" means service other than residential service.

"Busy season" means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Call aggregator" means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

"Call detail" means:

(a) Any information that identifies or reveals for any specific call, the name of the caller, the name of any person called, the location from which a call was made, the area code, prefix, any part of the telephone number of any participant, the time of day of the call, the duration of a call, or the cost of a call;

(b) The aggregation of information in (a) of this subsection up to the level where a specific individual is associated with information on calls made to a given area code, prefix, or complete telephone number, whether that information is expressed through amount spent, number of calls, or number of minutes used and whether that information is expressed in monthly, less-than-monthly or greater-than-monthly units;

(c) The aggregation of the information in (a) of this subsection up to the level where a specific individual is associated with general calling patterns (e.g., peak, off-peak, weekends) or amounts spent expressed on a less-than-per-month basis;

(d) The number of calls that are answered or unanswered and information related to them that provides information by time of the day, day of the week, or by week or weeks up to, but not including, by month.

Call detail does not include information other than (a), (b) and (c) of this subsection compiled on a monthly basis. For example, it does not include the monthly amount spent on long distance calls or the monthly amount spent on ancillary services. It does include, for example, the monthly amount spent calling area code XXX, and the number of unanswered calls between the hours of 8:00 a.m. and 5:00 p.m. and the number of unanswered calls on Tuesdays.

"Category of service" means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

"Central office" means a company facility that houses the switching and trunking equipment serving a defined area.

"Centrex" means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

"Class A company" means a local exchange company with two percent or more of the access lines within the state of Washington.

"Class B company" means a local exchange company with less than two percent of the access lines within the state of Washington.

"Commercial mobile radio service (CMRS)" means any mobile (wireless)

telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

"Commission (agency)" in a context meaning a state agency, means the Washington utilities and transportation commission.

"Company" means any telecommunications company as defined in RCW 80.04.010.

"Competitively classified company" means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

"Customer" means a person to which the company is currently providing service.

"Customer premises equipment (CPE)" is equipment located on the customer side of the SNI (other than a carrier) and used to originate, route, or terminate telecommunications.

"Customer proprietary network information (CPNI)" means (a) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service, including call detail, and that is made available to the company by the customer solely by virtue of the customer-company relationship, which includes information obtained by the company for the provision of the telecommunication service; and (b) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a company; except that CPNI does not include subscriber list information.

"Discontinue; discontinuation; discontinued" means the termination of service to a customer.

"Drop facilities" means company-supplied wire and pedestals placed between a premises and the company distribution plant at the applicant's property line.

"Due date" means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

"Emergency response facility" means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

"Exchange" means a geographic area established by a company for telecommunications service within that area.

"Extended area service (EAS)" means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

"Facility or facilities" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

"Force majeure" means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

"Held orders" means orders for exchange access lines for which the company does not provide service by the due date.

"Interexchange" means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

"Interexchange company" means a company, or division thereof, that provides long distance (toll) service.

"Interoffice facilities" means facilities connecting two or more telephone switching centers.

"InterLATA" is a term used to describe services, revenues, functions,

etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

"IntraLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

"Local access and transport area (LATA)" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Local calling area" means the area where a person can place a call without incurring long-distance (toll) charges.

"Local exchange company (LEC)" means a company providing local exchange telecommunications service.

"Major outages" means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand subscribers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

"Order date" means the date when an applicant requests service unless a company identifies specific actions a customer must take in order to be in compliance with tariffs, price lists, or commission rules. Except as provided in WAC 480-120-061 and 480-120-104, when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff or price list. In the event the applicant fails to provide the support structure or perform the other requirements of the tariff or price list, a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff or price list.

"Pay phone" or "pay telephone" means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

"Pay phone services" means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

"Pay phone service provider (PSP)" means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

"Payment agency" means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

"Person" means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

"Private account information" means customer proprietary network information that is associated with an identifiable individual.

"Proprietary" means owned by a particular person.

"Provision" means supplying telecommunications service to a customer.

"Public access line (PAL)" means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

"Public safety answering point (PSAP)" means an answering location for

enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

"Residential service" means basic service to a household.

"Restricted basic service" means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

"Results of operations" means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

"Service interruption" means a loss of or impairment of service that is not due to, and is not, a major outage.

"Service provider" means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

"Special circuit" means an access line specially conditioned to give it characteristics suitable for handling special or unique services.

"Standard network interface (SNI)" means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

"Station" means a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

"Subscriber list information (SLI)" means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

"Support structure" means the trench, pole, or conduit used to provide a path for placement of drop facilities.

"Telecommunications-related products and services" means:

(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or

(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information; or

(c) Equipment employed on the premises of a person to originate, route, or terminate telecommunications.

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

"Telemarketing" means contacting a person by telephone in an attempt to sell one or more products or services.

"Toll restriction" or "toll restricted" means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

"Traffic" means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

"Trouble report" means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

"Trunk" means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

AMENDATORY SECTION (Amending Order R-422, Docket No. UT-940049, filed 9/22/94, effective 10/23/94)

~~WAC 480-120-061 ((Refusal of)) Refusing service. ((1) The telecommunications company may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.~~

~~(2) A telecommunications company may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.~~

~~(3) A telecommunications company shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights of way, easements, and permits.~~

~~(4) A telecommunications company may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same telecommunications company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory to the telecommunications company are made. Provided, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. A nontelecommunication company applicant for service shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. Any amount owed to a local exchange company or an interexchange carrier at the time a customer's local service is disconnected for nonpayment is considered a prior obligation. Any amount owed to an interexchange carrier at the time the telecommunications company toll restricts a customer's service for nonpayment is considered a prior obligation. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance or toll restriction of service under the provisions of WAC 480-120-081. A telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the company.~~

~~(5) A telecommunications company may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same telecommunications company for the same class of telecommunications service at that address until the obligation is paid or satisfactory arrangements are made.~~

~~(6) A telecommunications company may deny service until any proper deposit is paid in full, or in part, or an alternative service option as defined in WAC 480-120-056 has been selected by the applicant or subscriber.~~

~~(7) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who fails to provide accurate and~~

verifiable information necessary to establish the identity of the applicant or subscriber until verifiable information is provided. Telecommunications companies must provide a means for applicants or subscribers to provide identification. At a minimum business offices and payment agencies required under WAC 480-120-510 must provide this service at no charge to the applicant or subscriber.

~~(8) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.~~

~~(9) A local exchange company shall deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from a local exchange company shall state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.)~~ (1) A company may refuse to connect with, or provide service to, an applicant, when service will adversely affect the service to other existing customers, the installation is considered hazardous, or the applicant has not complied with state, county, or municipal codes concerning the provision of telecommunications service. Examples of state, county, or municipal codes concerning the provision of telecommunications service are the state building code and local electrical codes.

(2) A local exchange telecommunications company is not required to connect with or render service to an applicant unless all necessary rights of way, easements, and permits have been secured. The company is responsible for securing all public rights of way, easements, and permits, including rights of way on every highway as defined in RCW 36.75.010(11) or created under RCW 36.75.070 or 36.75.080. The applicant is responsible for securing all rights of way or easements on private property including private roads or driveways as defined in RCW 36.75.010(10). A private road or driveway is one that has been ascertained by the company not to be public.

(3) A company may deny installation of, or continued service to, an applicant or customer when the company is unable to substantiate the identity of the individual requesting or receiving service.

(a) Companies must allow the applicant or customer to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least five sources of identification. The list must include a current driver's license or other picture identification.

(b) Company-listed business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant.

(4) A company may deny installation of, or continued service to, an applicant or customer when the applicant or customer has received service from the company by deception, including, but not limited to, false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons.

(5) A company may deny telecommunications service to an applicant or customer who owes an overdue, unpaid prior obligation to the company for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made.

(6) A company may deny telecommunications services at an address where

a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address until the obligation is paid or satisfactory arrangements are made when there is evidence that the person requesting service lived at the address while the overdue, unpaid prior obligations were incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has vacated the address.

(7) Applicants, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, a one-time option to pay a prior obligation over not less than a six-month period. A "prior obligation" means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-120-122. The company can discontinue service or institute toll restriction without notice required by WAC 480-120-172, at a location where an applicant or customer defaults on a payment agreement.

(8) A company may not withhold or refuse to release a telephone number to a customer who is transferring service to another telecommunications company.

(9) A telecommunications company must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from another telecommunications company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public. If the service is intended for hire, sale, or resale on an intrastate basis, the company must certify in writing, in the same manner as required by RCW 9A.72.085, that it is properly registered with the commission to provide the service.

PART II. ESTABLISHING SERVICE AND CREDIT

NEW SECTION

WAC 480-120-102 Service offered. (1) Classes of service. Each local exchange company (LEC) must file with the commission, as part of its tariff or price list, a description of the classes and types of service available to customers. LECs must record for each access line whether local exchange service is residential or business.

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

(3) Grade of service. Local exchange service offered by companies must be only one-party service.

NEW SECTION

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

(a) Accept and process applications when an applicant for service for a particular location has met all tariff or price list requirements and applicable commission rules;

(b) Inform an applicant of the specific date when service will be provided or state that an estimated due date will be provided within seven business days as required by subsection (2) of this section; and

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

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the company must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The credit requirements of WAC 480-120-107, and the standards imposed by WAC 480-120-105 and 480-120-112 are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the time of day for installation within a four-hour period.

(4) When the application for service requires a service extension as defined in WAC 480-120-071, the requirement of subsection (1)(b) of this section does not apply and, for the purpose of determining when an extension must be completed, the order date is the application date or six weeks prior to the date the customer makes the required initial payment, whichever is later.

When a service extension is required, the company must inform the customer within six weeks of a request for service that it will construct the extension and also request payment from the customer according to WAC 480-120-071, or inform the customer in writing that it will request an exemption from the commission pursuant to WAC 480-120-071(7).

In the event a company informs the customer it will request an exemption, the company must submit the request to the commission within four weeks of informing the customer of its decision. A copy of the exemption request must be mailed to the customer not later than the date the request is filed.

NEW SECTION

WAC 480-120-104 Information to consumers. (1) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide an applicant for initial service with a confirming notice or welcome letter, either in writing or with permission of the customer, electronically. The confirming notice or welcome letter must be provided to the applicant or customer no later than ten business days after installation of service and must provide, at a minimum:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, mailing address, repair number, electronic address if applicable, and business office hours, that the customer can contact if they have questions;

(b) Confirmation of the services being provided to the customer by the company, and the rate for each service. If the service is provided under a banded rate schedule, the current rate, including the minimum and maximum at which the customer's rate may be shifted;

(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, if applicable; and

(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 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.

(2) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide each customer a confirming notice, either in writing or, with permission of the customer, electronically, within ten business days of initiating a change in service which results in the addition of a service, a change from one rate schedule to another, or a change in terms or conditions of an existing service. The confirming notice must provide at a minimum, the following information in clear and conspicuous language:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, and business office hours, that customers can contact if they have questions; and

(b) The changes in the service(s) and the material effects of the change(s), including, if applicable, the rate for each service.

(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

(b) A minimum of six months' account history, when available, including the date of the changes and the name of the interexchange company.

(4) When an applicant or customer contacts the LEC to select or change an interexchange company, the LEC must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

NEW SECTION

WAC 480-120-105 Company performance standards for installation or activation of access lines. (1) Except as provided in subsection (2) of this section, when an application is made consistent with WAC 480-120-103 (Application for service), the following standards for installation or activation of service apply:

(a) The local exchange company (LEC) must complete, within five business days after the order date, or by a later date requested by a customer, ninety percent of all orders of up to the initial five access lines received during each month;

(b) The LEC must complete ninety-nine percent of all orders of up to the initial five access lines received during each calendar quarter within ninety days after the order date; and

(c) The LEC must complete one hundred percent of all orders for access lines within one hundred eighty days after the order date.

(2) For purposes of determining the amount of penalties that shall apply if a LEC fails to complete the percent of orders required by subsection (1)(a), (b), and (c) of this section, each order that the LEC fails to complete in excess of the highest number of uncompleted orders that would not have triggered a violation shall be a separate violation. For example, using the ninety-nine percent completion rate under subsection (1)(b) of this section, if the LEC received one hundred orders in a quarter, and it completed only ninety-four of those orders, it would be deemed to have committed five separate violations, because it completed five less than required by the section. Violations of subsection (1)(a), (b), and (c) of this section will be determined separately, and each order is subject to all three parts.

(3) The timelines set forth in subsection (1) of this section do not apply when customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015. These orders will be excluded from both the numerator and denominator in calculating the percentage of orders completed.

(4) Unless the commission orders otherwise, this section does not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

NEW SECTION

WAC 480-120-107 Installation and activation credits. All local exchange companies (LECs) must include in tariffs installation and activation credits that conform with this section. This section does not apply to services offered by price list.

(1) LECs must provide a credit to customers ordering a first residential line, first two business lines, or both, if the service is not installed and activated by the due date established at the time of the order, except that a LEC is not required to provide a credit if the due date given

by the company is the same day as the order is received and service is installed or activated on that day or the following day. A LEC must establish the due date as the date requested by the customer but is not required to establish a due date that is fewer than seven business days after the order date.

(2) The credit amount in the tariff must be either:

(a) An amount equal to the nonrecurring charge for installation and a pro rata amount of the recurring charge for each day of delay; or

(b) A fifty-dollar credit and an additional fifty-dollar credit after each thirty-day period in which the installation is delayed.

(3) Service credits are not required when a later installation or activation is permitted under WAC 480-120-071 (Extending service) when construction requirements delay installation or activation, or when the LEC is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control. To avoid providing a credit when construction is required for installation or activation, a LEC must have contacted, as soon as practicable, the appropriate authorities to request applicable utility locations services and permits.

(4) LECs may include in tariffs additional service quality guarantee credits, and additional interim services, such as voice mail, that might aid a customer without service.

NEW SECTION

WAC 480-120-108 Missed appointment credits. All local exchange companies (LECs) must include in tariffs or price lists appointment credits that conform with this section. For purposes of this section, an appointment means a commitment that requires the customer or the customer's representative to be present when the LEC installs, changes, disconnects, repairs, or otherwise affects the customer's service.

(1) LECs must credit customers not less than fifty dollars when the LEC fails to keep an appointment and does not notify the customer at least twenty-four hours in advance of the broken appointment.

The LEC keeps the appointment when the necessary work in advance of dispatch has been completed and the technician arrives within four hours of the earliest time at which the customer was required to be present, even if the technician cannot complete the order until a later date.

(2) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, the order date, installation or activation requirements and credit requirements of WAC 480-120-107, and the timelines set out in that section are not affected by the LEC's action to change the appointment. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 and 480-120-112.

(3) A LEC is not required to pay a missed appointment credit when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) LECs may include in tariffs or price lists additional service quality guarantee credits, and additional interim services, such as voice mail, that might aid a customer without service.

NEW SECTION

WAC 480-120-112 Company performance for orders for nonbasic services.

(1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this section does not apply when a later installation or activation is permitted under WAC 480-120-071 (Extending service), or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015.

(3) Unless the commission orders otherwise, this section does not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

NEW SECTION

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.

(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.

(2) A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for ancillary services.

(3) An interexchange company may, if provided for in its tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the following will apply:

(a) The customer may pay fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must be allowed the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when a customer makes full payment of the requested interexchange carrier deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined above in this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from

a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

NEW SECTION

WAC 480-120-123 Establishing credit--Business services. (1) As set forth in this section, a company may require a business applicant or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances. The criteria used by the company must be contained in a tariff or price list.

(2) **Amount of deposit.** When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(3) **Deposit payment.** Companies may withhold regulated services until the deposit amount associated with regulated services is paid in full.

(4) **Deposit requirement notice.**

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice of the reasons for the request in writing to the customer, state the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (5) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery if the notice is delivered in person to the customer.

(5) **Deposit request for high toll.**

(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay a new or additional deposit amount to advanced toll charges when the customer's toll charges exceed the amount currently held as an interexchange deposit, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined in (a) of this subsection, the company may require payment before the close of the next business day following receipt of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The customer must be given the option to pay one of the following:

(i) All outstanding toll charges specified in the notice;

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment;
or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

NEW SECTION

WAC 480-120-124 Guarantee in lieu of deposit. When a residential applicant or customer cannot establish credit or cannot pay a deposit or deposit extended payments, the applicant or customer may furnish a guarantor who will secure payment of bills for service requested in a specified amount not to exceed the amount of required deposit. The company may require that the guarantor:

- (1) Reside in the state of Washington;
- (2) Currently have service with the company requesting the deposit; and
- (3) Have an established satisfactory payment history for each class of service being guaranteed.

NEW SECTION

WAC 480-120-125 Deposit or security--Telecommunications resellers. A telecommunications company may be required to pay a reasonable deposit to another telecommunications company if it is unable to demonstrate satisfactory credit.

NEW SECTION

WAC 480-120-128 Deposit administration. (1) **Transfer of deposit.** A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Interest will be compounded annually. Interest on deposits must:

(a) Accrue at a rate based upon a simple average of the effective interest rate for new issues of twenty-six-week treasury bills, computed from December 1 of each year continuing through November 30 of the following year;

(b) Earn that interest rate during January 1 through December 31 of the subsequent year; and

(c) Be computed from the time of deposit to the time of refund or total application of the deposit.

(3) **Refunding deposits for residential services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a customer when:

(a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have

authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and

(ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

(c) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no longer than fifteen days after satisfactory payment history is established or service is terminated.

NEW SECTION

WAC 480-120-132 Business offices. Each company must provide business offices or customer service centers that are accessible by telephone or in person. A business office or customer service center that serves more than one exchange must provide toll-free calling from each exchange to the office. Each business office or customer service center must be staffed by qualified personnel who can provide information relating to all services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as representatives of the company.

NEW SECTION

WAC 480-120-133 Response time for calls to business office or repair center. (1) Calls placed to a company's business or repair center must be answered either by a live representative or an automated call answering system.

(2) Companies that use an automated answering system must comply with the following requirements:

(a) The average time until the automated system answers a call, measured on a weekly basis, must not exceed thirty seconds; and

(b) The automated system must provide a caller with an option to speak to a live representative within the first thirty seconds of the recorded message.

(i) A company may provide the live representative option by directing the caller to take an affirmative action (e.g., select an entry on the telephone) or by default (e.g., be transferred when the caller does not select an option on the telephone).

(ii) The recorded message must clearly describe the method a caller must use to reach a live representative.

(c) The average time until a live representative answers a call, measured on a weekly basis, must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

(3) Companies that do not use an automated answering system must answer at least ninety-nine percent of call attempts, measured on a weekly basis, within thirty seconds.

NEW SECTION

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer changes service providers from one local exchange company (LEC) to another, the LEC providing existing service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider, unless the customer specifically requests that service be discontinued before the new service provider confirms that the new service has been activated.

NEW SECTION

WAC 480-120-147 Changes in local exchange and intrastate toll services. (1) Verification of orders. A local exchange or intrastate toll carrier that requests on behalf of a customer that the customer's carrier be changed, and that seeks to provide retail services to the customer (submitting carrier), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the customer's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency, whether written or electronic, must be signed and dated by the customer of the telephone line(s) requesting the preferred carrier change. The letter of agency shall not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the customer is authorizing a preferred carrier change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the customer. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the customer:

- (i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;
- (ii) The decision to change;
- (iii) The customer's understanding of the change fee;
- (iv) That the customer designates (name of carrier) to act as the customer's agent for the preferred carrier change;

(v) That the customer understands that only one telecommunications carrier may be designated as the customer's interstate preferred carrier; that only one telecommunications carrier may be designated as the customer's intraLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred carrier, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred carrier.

(b) The submitting carrier has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred carrier is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm sales electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including automatically recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the customer's date of birth). The independent third party must not be owned, managed, controlled or directed by the carrier or the carrier's marketing agent; and must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent. The content of the verification must include clear and unambiguous confirmation that the customer has authorized a preferred carrier change.

(2) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA-intrastate toll, interLATA-interstate toll, and international toll), that carrier must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred carrier change must be retained by the submitting carrier, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission upon request. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) **Implementing order changes.** An executing carrier may not verify directly with the customer the submission of a change in a customer's selection of a provider received from a submitting carrier. The executing carrier must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting carrier. An executing carrier is any telecommunications carrier that affects a request that a customer's carrier be changed.

This section does not prohibit any company from investigating and responding to any customer-initiated inquiry or complaint.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a customer's preferred carrier selection unless the customer gives the carrier from whom the freeze was requested express consent. Express

consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA-intrastate toll, interLATA-interstate toll and international toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in carrier selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

(d) All LECs must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written or electronic authorization stating the customer's intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting carrier to conduct a three-way conference call with the executing carrier and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing carrier must confirm appropriate verification data (e.g., the customer's date of birth), and the customer's intent to lift the freeze.

(e) A LEC may not change a customer's preferred carrier if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection.

(6) **Remedies.** In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment shall be remitted to the customer's authorized telecommunications company.

(7) **Exceptions.** Companies transferring customers as a result of a merger, purchase of the company, or purchase of a specific customer base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected customer at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the customer's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the customer of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any carrier change charges associated with the transfer;

(iv) The customer's right to select a different company to provide the service(s);

(v) That the customer will be transferred even if the customer has selected a "freeze" on his/her carrier choices, unless the customer chooses another carrier before the transfer date;

(vi) That, if the customer has a "freeze" on carrier choices, the freeze will be lifted at the time of transfer and the customer must "refreeze" carrier choices;

(vii) How the customer may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring carrier.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected customers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected customers regarding such changes.

NEW SECTION

WAC 480-120-148 Canceling registration. A company canceling its registration as a telecommunications company must notify the commission in writing and, as applicable, comply with the requirements of WAC 480-120-083 (Cessation of telecommunications services). It remains subject to commission jurisdiction with respect to its provision of telecommunications service during the time it was registered, and it must file an annual report and pay regulatory fees for the period during which it was registered.

PART III. PAYMENTS AND DISPUTES

NEW SECTION

WAC 480-120-161 Form of bills. (1) **Bill frequency.** Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect

a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by and provided to the customer or other individuals authorized to request such services on behalf of the customer;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider; and

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider.

For purposes of this subsection, "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic charges on the subscriber's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to the reasonable customer.

(5) **Descriptions of billed charges.** Charges contained on telephone bills must be accompanied by a brief, clear, nonmisleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately determine that the services for which they are billed correspond to those that they have requested and received, and that the charges shown for those services conform to their understanding of the price charged.

Bills must identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC). In addition, all bills for telephone service within jurisdictions where taxes are applicable must clearly delineate the amount, or the percentage rate at which the tax is computed.

(6) **Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill

must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of the customer's telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or web site address. Each carrier must make a business address available upon request from a consumer.

(7) **Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to, the following:

- (a) Rates for individual services;
- (b) Calculation of any charges based on a percentage of calls made;
- (c) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and
- (d) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

(8) **Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

(9) **Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) **Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) **Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

NEW SECTION

WAC 480-120-162 Cash and urgent payments. (1) Each local exchange company (LEC) must establish and maintain payment agencies for receipt of cash and urgent payments. For purposes of this section, a payment agency may be a business office of the company that accepts customer payments. An urgent payment is a payment that the company requires upon threat of discontinuation of service. Each LEC must use the following criteria when determining the number of payment agencies required:

(a) Exchanges serving over seventy-five thousand access lines must have a minimum of one payment agency within the exchange for every fifty thousand access lines.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agency within the exchange.

(c) LECs that do not have exchanges that meet the criteria in (a) or (b) of this subsection must have at least one payment agency.

(2) The payment agency must clearly post and maintain regular business hours and may be supported by the same personnel as the business office or customer service center. It must not assess a charge from the applicant or customer for processing a transaction. Companies may not contract with a payment agent that charges a fee, surcharge, or any other similar charge to customers for the provided services and transactions.

(3) A LEC may request a waiver of subsection (1) of this section. At a minimum, as a condition for waiver, the petitioner must demonstrate that applicants and customers have a reasonable opportunity to make cash and urgent payments.

(4) At least thirty days before a planned closure of any payment agency, business office, or customer service center that accepts cash and urgent payments, a LEC must provide the commission, in writing, the exchange(s) and communities affected by the closing, the date of the closing, a list of other methods and locations available for making cash and urgent payments, and a list of other methods and locations for obtaining business office and customer service center services.

A LEC may not close a payment location under this subsection until alternatives for making cash and urgent payments have been provided to affected customers.

(5) When a LEC is made aware of the fact that a payment agency has either closed without company knowledge or is refusing to accept company payments, it has thirty days to establish a replacement station within the same geographical area and must provide alternatives for making cash and urgent payments until a replacement station has been established.

NEW SECTION

WAC 480-120-163 Refunding an overcharge. A company must refund overcharges to the customer with interest, retroactive to the time of the overcharge, up to a maximum of two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers.

NEW SECTION

WAC 480-120-164 Pro rata credits. Every telecommunications company must provide pro rata credits to customers of a service whenever that service is billed on a monthly basis and is not available for more than a total of twenty-four hours in a billing cycle. The minimum amount of pro rata credit a company must provide is the monthly cost of service divided by thirty, then multiplied by the number of days or portions of days during which service was not provided.

For example:
(Cost of Service)

X (Number of days or portions of days without service) = Pro Rata Credit

(Thirty)

Pro rata credits are not required when force majeure, customer premises equipment, or inside wiring is the proximate cause for the unavailability of a service. If a company provides a credit amount for unavailable service that is equal to or greater than the credit amount required by this rule, the amount of credit required by this rule need not be provided.

NEW SECTION

WAC 480-120-165 Complaints and disputes. (1) When a company receives an oral or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the company must acknowledge the complaint as follows:

- (a) Provide the name of the company's contact to the complainant;
- (b) Investigate the complaint promptly;
- (c) Report the results of the investigation to the complainant;
- (d) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (e) Inform the complainant that the decision may be appealed to a supervisor at the company; and
- (f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the right to file a complaint with the commission and provide the commission address and toll-free telephone number.

(2) When a company receives a complaint from an applicant or customer regarding another company's service for which it provides only billing service, the company must provide the complainant a toll-free number to reach the appropriate office for the other company that is authorized to investigate and take corrective action to resolve the dispute or complaint.

(3) The company must insure that records and information about complaints and disputes are used only for the purposes of resolving the complaint or dispute and improving service and practices.

NEW SECTION

WAC 480-120-166 Customer complaints. (1) Each company must keep a record of all complaints concerning service or rates for at least three years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business hours to address customer complaints or inquiries and to respond to commission staff. Regular business days mean Monday through Friday, excluding official state holidays.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-09-150 or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and 480-09-500.

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) The company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) The company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

(11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.

NEW SECTION

WAC 480-120-167 Company responsibility. When a customer informs the commission that the customer has identified a problem with service or billing or other matters and the customer has been told by two or more companies that the problem is not the responding company's responsibility but another company's responsibility, commission staff will inform the companies.

Once the commission has contacted the companies, the companies must confer with each other within three business days and determine which company will take the lead responsibility to resolve the customer's problem. The company accepting lead responsibility must contact the commission and begin resolution of the problem on the first business day following the three business days allotted by this subsection for a conference between the companies.

Companies must confer, allocate responsibility between the companies, and the company with lead responsibility must contact the commission, as required by this section. After conferring, if the companies cannot resolve the matter and neither one will accept the lead, each company must contact the commission and report the status of the dispute within two days of conferring. The report must contain detailed explanations of the company's position.

PART IV. DISCONTINUING AND RESTORING SERVICE

NEW SECTION

WAC 480-120-171 Discontinuing service--Customer requested. (1) This section applies to residential, business, and resale services discontinued at the customer's request. The customer must notify the company of the date the customer wishes to discontinue service. If the customer moves from the service address and fails to request discontinuation of service, the customer must pay for service taken at the service address until the company can confirm that the customer has vacated the premise or a new party has taken responsibility for the service.

(2) A company must stop a customer's monthly recurring or minimum charges effective on the requested discontinuation date. The customer may be held responsible for use charges incurred after the requested discontinuation date when the company can prove that the calls were made or authorized by the customer of record. This section does not preclude a company from collecting minimum service commitment penalties when a customer disconnects service prior to fulfilling the tariff, price list, or contract commitment.

(3) When a customer indicates that, in addition to stopping recurring monthly charges, the customer requires that the service be physically disconnected, the company must insure physical disconnection of the service within the time frames below:

(a) For services that do not require a field visit, the company must disconnect service not later than one business day from the requested disconnect date; and

(b) For services that require a premise visit to complete the request, the company must disconnect service no later than two business days from the requested disconnect date.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

NEW SECTION

WAC 480-120-172 Discontinuing service--Company initiated. (1)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds a deceptive practice by determining that:

(i) The customer has tampered with the company's property;

(ii) The customer has used service through an illegal connection;

(iii) The customer is unlawfully using service or using service for unlawful purposes; or

(iv) The customer has obtained service in another false or deceptive manner.

(b) The company must restore service once the customer has corrected the deceptive practice in subsection (1)(a)(i) through (iv) of this section, has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deceptive use, any applicable deposit, and if applicable, payment in full of any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service in a false or deceptive manner as described in subsection (1)(a)(i) through (iv) of this section. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-061(7) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company.

(c) A company may refuse to restore service to a customer who has been discontinued twice for deceptive practices as described in subsection (1)(a)(i) through (iv) of this section, subject to appeal by the customer to the commission.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines:

(i) The customer has vacated the premise without informing the company;

(ii) The customer, in response to a delinquency notice as described in subsection (7) of this section, pays the delinquent balance with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) The customer failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(3) When a customer indicates that, in addition to stopping recurring monthly charges, the customer requires that the service be physically disconnected, the company must insure physical disconnection of the service within the time frames below:

(a) For services that do not require a field visit, the company must disconnect service not later than one business day from the requested disconnect date; and

(b) For services that require a premise visit to complete the request, the company must disconnect service no later than two business days from the requested disconnect date.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

NEW SECTION

WAC 480-120-172 Discontinuing service--Company initiated. (1)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds a deceptive practice by determining that:

(i) The customer has tampered with the company's property;

(ii) The customer has used service through an illegal connection;

(iii) The customer is unlawfully using service or using service for unlawful purposes; or

(iv) The customer has obtained service in another false or deceptive manner.

(b) The company must restore service once the customer has corrected the deceptive practice in subsection (1)(a)(i) through (iv) of this section, has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deceptive use, any applicable deposit, and if applicable, payment in full of any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service in a false or deceptive manner as described in subsection (1)(a)(i) through (iv) of this section. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-061(7) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company.

(c) A company may refuse to restore service to a customer who has been discontinued twice for deceptive practices as described in subsection (1)(a)(i) through (iv) of this section, subject to appeal by the customer to the commission.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines:

(i) The customer has vacated the premise without informing the company;

(ii) The customer, in response to a delinquency notice as described in subsection (7) of this section, pays the delinquent balance with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) The customer failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may not require more than the following information:

- (i) Residence address location;
- (ii) An explanation of how the current medical condition will be aggravated by the discontinuation of basic service or restricted basic service;
- (iii) A statement of how long the condition is expected to last; and
- (iv) The title, signature, and telephone number of the person certifying the condition.

(c) The medical certification is valid only for the length of time the health endangerment is certified to exist, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the ten-business-day grace period, the customer pay a minimum of one sixth of the delinquent basic service balance or ten dollars whichever is greater and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restricted basic service without further notice if, within the ten-business-day grace period, the customer fails to provide an acceptable medical certificate or pay twenty-five percent of the delinquent basic service balance. The company may discontinue basic service or restricted basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must insure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) **Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service except as described in subsection (1) of this section. Notice consists of the following requirements:

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consented to this delivery method. Delivered notice will be deemed effective if handed to a person of apparent competence in the residence, handed to a person employed at the place of business of the customer, if it is a business account, or attached to the primary door of the residence unit or business office where service is provided if no person is available to receive notice. Each discontinuation notice must, at a minimum, include:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that indicates the amount a customer must pay to maintain basic service or restricted basic service;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed; and

(vi) The company's name, address, a toll-free number, and a TTY number where the customer may contact the company to discuss the pending

discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the minimum requirements of (a) of this subsection, or if it discovers it provided incorrect information on the notice, the company must restore services, and reissue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-business-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if it intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** Delivered notice will be deemed effective if handed to a person of apparent competence in the residence, handed to a person employed at the place of business of the customer, if it is a business account, or attached to the primary door of the residence unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery; or

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery; or

(c) **Mailed notice.** The notice sent by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer, the company must attempt to contact the customer using any business or message number provided. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must take reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due, and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

NEW SECTION

WAC 480-120-173 Restoring service after discontinuation. (1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, have been made;

(c) Payment or satisfactory arrangements for payment of proper reconnection fees due from the applicant have been made; or

(d) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premise visit for reconnection must be restored within one business day; and

(b) Service(s) that requires a premise visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

NEW SECTION

WAC 480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility. (1) Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service--Company initiated) if the customer was not a participant in either Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this section, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020, agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

(2) In the event a customer receiving service under this section fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges.

PART VII. TELECOMMUNICATIONS SERVICES

NEW SECTION

WAC 480-120-251 Directory service. (1) A local exchange company (LEC) must ensure that a telephone directory is regularly published for each local exchange it serves, listing the name, address (unless omission is requested), and primary telephone number for each of its customers who can be called in that local exchange. This requirement does not apply to nonlisted numbers, nonpublished numbers, wide area telephone service (WATS), or cellular telephone numbers.

(2) Any residential customer may request from the LEC a dual-name primary directory listing that contains, in addition to the customer's surname, the customer's given name or initials (or combination thereof) and either one other person with the same surname who resides at the same address or a second name, other than surname, by which the customer is also known, including the married name of a person whose spouse is deceased.

(3) A LEC must provide each customer a copy of the directory for the customer's local exchange area if the directory provided for in subsection (2) of this section does not contain information for all listings that can be called toll free from a customer's local exchange, excluding nonlisted, nonpublished, WATS, and cellular telephone numbers, the company must provide a copy of the directory or directories required for that coverage upon request at no charge.

(4) Telephone directories published at the direction of a LEC must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. To keep directories correct and up to date, companies may revise the directories more often than specified.

(5) Each LEC that publishes a directory, or contracts for the publication of a directory, must print an informational listing (LEC name and telephone number) when one is requested by any other LEC providing service in the area covered by the directory. The LEC to whom the request is made may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between LECs.

(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. The guide must describe the:

(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.

NEW SECTION

WAC 480-120-252 Intercept services. (1) Directory error. In the event of an error in the listed number of any customer, the customer's local exchange company (LEC) must, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, provided it is permitted by existing central office equipment and the incorrectly listed number is not a number currently assigned to another customer. In the event of an error or omission of a customer's white page listing, the company must maintain the customer's correct name and telephone number in the files of its directory assistance operator or, if applicable, provide the corrected information to its directory assistance contractor. A company or its contractor must furnish the correct name and telephone number to a calling party upon request. The company may not charge a customer for intercept services under these circumstances.

(2) Company-directed telephone number change. When a company must change a customer's telephone number, for any reason after a directory is published, and the change is made at the LEC's direction, the LEC must, at no charge, intercept all calls to the former number, if existing central office

equipment will permit, for the shorter of thirty days or until a new directory is published that reflects the customer's new number. During that period, the company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

(3) Number changes related to changes in service. When a company must change a telephone number to complete a move, change, addition, or deletion of service, except as provided for in this subsection, the LEC must intercept all calls to the former number at no charge, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published. The company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

Companies are not required to provide intercept service at no charge when the change is requested by a customer at the customer's existing address for reasons other than harassing or misdirected calls.

(4) A company may provide and may bill for intercept services, other than those described in subsections (1) through (3) of this section, that are requested by the customer.

(5) When the company schedules additions or changes to plant or records that necessitate a large group of number changes that are not addressed by a specific commission order, the company must give a minimum of six months' notice to all customers then of record and so affected even though the additions or changes may coincide with a new directory being issued.

NEW SECTION

WAC 480-120-253 Automatic dialing-announcing device (ADAD). (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed; and

(b) It automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(c) The ADAD does not dial unlisted telephone numbers (except as provided in this subsection), designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:30 a.m. or after 9:00 p.m. An ADAD may dial an unlisted number if the ADAD is being used to deliver the name, telephone number, or brief message of a calling party to a called party when the called party's line was busy or did not answer.

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify, in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

NEW SECTION

WAC 480-120-254 Telephone solicitation. (1) Local exchange companies (LECs) must notify customers of their rights under RCW 80.36.390 with respect to telephone solicitation.

(2) For purposes of this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company to a residential customer for the purpose of encouraging that person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

(3) Each LEC must provide notice by annual bill inserts mailed to its residential customers or by conspicuous publication of the notice in the consumer information pages of its directories that clearly informs customers, at a minimum, of at least the following rights under the law:

(a) Within the first thirty seconds, solicitors must identify themselves, their company or organization, and the purpose of the call;

(b) Under Washington law residential customers have the right to keep telephone solicitors from calling back. If, at any time during the conversation, the customer requests to not be called again and to have the customer's or to have his or her name and telephone number removed from the calling list used by the company or organization making the telephone solicitation, the then:

The company or organization must not have a solicitor call the customer for at least one year; make any additional telephone solicitation of the called party at that telephone number for a period of at least one year; and

(c) Companies. The company or organizations may not sell or give the customer's name and or telephone number to another company or organization;

(d) Under Washington law residential customers have the right to keep telephone solicitors from calling back; and

(e) The office of the attorney general is authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual may also recover court and attorney's fees.

(i) To file a complaint, or request more information on the law, the customer may write to the Consumer Protection Division of the Attorney General's Office at 900 Fourth Ave., Suite 2000, Seattle, Washington 98164-1012 or by email at protect@atg.wa.gov. Consumers may also call the division weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.

(ii) When the customer files a complaint, the customer should include the name and address of the individual, business, group, or organization, the time the calls were received, the nature of the calls, and any additional information available.

NEW SECTION

WAC 480-120-255 Information delivery services. (1) For purposes of this section:

"Information-delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

"Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information-delivery service.

"Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(2) Local exchange companies (LECs) offering access to information-delivery services must provide each residential customer the opportunity to block access to all information delivery services offered by that company. Companies must fulfill an initial request for blocking free of charge. Companies may charge a tariffed or price listed fee for subsequent blocking requests (i.e., if a customer has unblocked his or her access).

(3) The LEC must inform residential customers of the blocking service through a single-topic bill insert and publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The LEC must include in the notice and bill insert the residential customers' rights under the law, the definition of "information delivery services" as defined in subsection (1) of this section, and a statement that these services often are called "900" numbers. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information-delivery services on their residential telephone lines, that blocking will prevent access to information-delivery services from their residential telephone line, that customers may request free blocking of access to information-delivery services on their residential telephone lines by calling the LEC at a specified telephone number, that the Washington utilities and transportation commission is authorized under RCW 80.36.500 to enforce this law, and that customers may contact the commission for further information. The LEC must include the commission's address, toll-free telephone number, and website:

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150
www.wutc.wa.gov

(4) Any company that provides billing, customer service, or collection services for an information provider must require, as a part of its contract for that service, that the information provider include in any advertising or promotion a prominent statement of the cost to the customer of the information service.

NEW SECTION

WAC 480-120-256 Caller identification service. (1) The company that provides caller identification service must provide its retail customers the capability of blocking the delivery of their numbers, names, or locations both on a per call basis and on a per line basis. The company must not charge a monthly fee or per call fee for caller identification blocking. The company must not charge a nonrecurring fee for caller identification blocking:

(a) When the service is requested at the time an access line is connected;

(b) The first time the service is added to an access line; or

(c) The first time the service is removed from an access line.

(2) At least ninety days before offering caller identification services the company must send notice to its customers. The notice must explain caller identification per call blocking, caller identification line blocking, a customer's right to have the numbers blocked one-time free of charge, and an explanation that call blocking does not apply to the delivery of caller numbers, name, or locations to a 911 or enhanced 911 service, other emergency service, or a customer-originated trace. The notice must include an explanation that call blocking will not work on all services, including, but not limited to, 800 and 900 numbers, long distance, and primary rate interface service.

For purposes of this section, "primary rate interface services" means an ISDN service that uses a digital rate of one thousand five hundred forty-four Mbits per second, whether used like business trunks for digital PBXs with up to twenty-four circuits at a rate of sixty-four kbits per second per circuit, or used as a single circuit at the DS1 rate. A company may offer caller identification service if the company complies with this section.

NEW SECTION

WAC 480-120-257 Emergency services. (1) At least once every twenty-four hours, each local exchange company and each interexchange company owning, operating, or maintaining any portion of any dedicated 911 circuit must manually test, for continuity, the portion of the 911 circuit which it owns, operates, or maintains. This section does not apply to any dedicated 911 circuit, or portion thereof, if either (a), (b), or (c) of this subsection is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity;

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours.

(2) Any dedicated 911 circuit found to be defective must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs must be undertaken promptly and pursued diligently by the company that has responsibility for operating or maintaining the circuit, or both.

Companies are not required to repair any portion of any dedicated 911 circuit that they do not own, operate, or maintain.

(3) Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified in the central office and the remote switch.

NEW SECTION

WAC 480-120-261 Operator services. (1) An operator service provider must protect the confidentiality of all communications it carries, processes, or transmits unless otherwise authorized by law.

(2) Each operator service provider must develop procedures its employees must follow to provide operator assistance to customers, ensure that when automated operator services are provided by it, customers can access a live operator, ensure that call timing for operator-assisted calls provided by its operators is accurately recorded, and ensure that its operators receiving 0- and E911 calls are capable of routing calls in a manner that will allow access to the proper local emergency service agency and connecting calls twenty-four hours a day.

NEW SECTION

WAC 480-120-262 Operator service providers (OSPs). (1) Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service provider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to customers in billing or completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a customer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for

consumer complaints and the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by a presubscribed OSP, the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, exceeds:

- (i) One dollar (\$1.00) for a one-minute call;
- (ii) Three dollars (\$3.00) for a five-minute call; or
- (iii) Five dollars and fifty cents (\$5.50) for a ten-minute call.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable

call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin. The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Emergency calls.** For purposes of emergency calls, every OSP must be able to transfer the caller into the appropriate E911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made. The OSP must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call. The OSP must provide a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(9) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(10) **Suspension.** The commission may suspend the registration of any

company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

NEW SECTION

WAC 480-120-263 Pay phone service providers (PSPs). "Presubscribed operator service provider" means the provider of operator services to which the customer is connected when the customer places a call using a provider of operator services without dialing an access code.

(1) A local exchange company (LEC) within the state of Washington must allow pay phone service providers (PSPs) to connect pay phones to its network, and a LEC must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

(2) **Registration and application of rules.**

(a) PSPs operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt PSPs from rules applicable to complaints and disputes (WAC 480-120-165), or remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

(a) Dial tone;

(b) Emergency services by dialing 911 without the use of a coin or entering charge codes;

(c) Operator;

(d) Telecommunications relay service calls for the hearing-impaired;

(e) All available toll-free services; and

(f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print or a different and contrasting color;

(b) Notice that directory assistance charges may apply, and to ask the operator for rates;

(c) Notice that the pay phone does not make change, if applicable;

(d) The emergency number (E911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and toll-free number of all presubscribed operator service providers (OSPs), as registered with the commission. This

information must be updated within thirty days of a change in the OSP. Refer to WAC 480-120-262 for OSP definition and rules;

(h) Notice to callers that they can access other long distance companies;

(i) The phone number of the pay phone, including area code. When the pay phone is in an area that has had an area code change, the area code change must be reflected on the pay phone within thirty days of the area code conversion; and

(j) In contrasting colors, the commission compliance number for customer complaints, to include the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(5) **Operation and functionality.** A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premise where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) Pay phones may not restrict the number of digits or letters that can be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, at the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have provided proper notice under subsection (6) of this section. Each pay phone restricted to one-way service must be clearly marked

on or near the front of the pay phone with information detailed in subsection (6) of this section.

(6) **Restrictions.** A PSP may only limit the operational capabilities of a pay phone when a local governing jurisdiction or other governmental agency submits a notice to the commission using prescribed forms a minimum of ten days prior to the restriction. Restrictions may include, but are not limited to, blocking incoming calls, limiting touch-tone capabilities, and coin restriction during certain hours. The notice must be signed by an agent of the local governing jurisdiction in which the pay phone is located who has authority to submit the request, and must state the jurisdiction's reasons for the restriction. A copy of the notice must also be served on the PSP no later than ten days prior to the restriction.

The requestor must post a notice prominently visible at the pay phone(s) ten days prior to the proposed restriction. The notice must explain what is proposed and how to file an objection with the governing agency.

Once the restriction is in place, the PSP must post on or near each restricted pay phone, in legible and prominent type, a description of each limitation in effect, the times when the restrictions will be in effect, and the name and toll-free number of the governmental agency recommending the restriction.

(7) **Telephone directories.** The provider of the PAL must furnish without charge one current telephone directory each year for each PAL. The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** The PSP must correct, within five days, malfunctions of the pay phone or rule violations reported to the repair or refund number or the commission.

NEW SECTION

WAC 480-120-265 Local calling areas. (1) Customers must make requests for expanded local calling areas under RCW 80.04.110 (the commission's complaint statute).

(2) The commission will order expansion of local calling areas only for compelling reasons. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from community medical facilities, police and fire departments, city or town government, elementary and secondary schools, libraries, and a commercial center.

The commission will consider the overall community-of-interest of the entire exchange, and may consider other pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

PART VIII. FINANCIAL RECORDS AND REPORTING RULES

NEW SECTION

WAC 480-120-301 Accounting requirements for competitively classified companies. Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-302 Accounting requirements for companies not classified as competitive. (1)(a) Companies with two percent or more of state access lines and companies with less than two percent of state access lines are classified as follows:

Class	Number of Access Lines as of December 31 from prior year's annual report
A	2% or more of state access lines
B	Less than 2% of state access lines

For example:

Company X access lines as of 12/31/98	33,823
Divided by	
Total state access lines as of 12/31/98	3,382,320
Equals company access lines as a percentage of total access lines.	1%

Therefore, company X is a Class B company.

(b) As long as a company can show it serves less than two percent of the total access lines listed in (a) of this subsection, it may compare future years to the year listed in the example above, as a safe harbor option.

(c) If a company has more than two percent of the total access lines listed in (a) of this subsection, but believes that it has less than two percent of a subsequent year to that listed in the example above, it may use the more recent "total state access lines" as of that subsequent year in order to calculate a different threshold, as long as it provides all relevant information in a letter of certification to the commission concurrent with

its election. For purposes of this rule the raw data may be requested from the commission's record center in order for the company seeking the data to generate its own calculation subsequent, and pursuant, to this rule.

(2) (a) For accounting purposes, companies not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32, (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999. Companies not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies shall not be permitted to use Class B accounting.

(3) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Companies not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in subsection (2) of this section. Companies not classified as competitive must maintain subsidiary accounting records for:

- (i) Residential basic service revenues;
- (ii) Business basic service revenues;
- (iii) Access revenues for each universal service rate element;
- (iv) Special access revenues; and
- (v) Switched access revenues.

(c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Companies not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the sick leave is used by employees.

(ii) Companies not classified as competitive must keep records for:

(A) Compensated absences that are actually paid; and

(B) Compensated absences that are deductible for federal income tax purposes.

(d) Companies not classified as competitive that have multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by subsection (1) of this section.

(f) Part 32 section 32.11(d) and (e) are replaced by subsection (1) of this section.

(g) The commission does not require Part 32 section 32.2000(b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

(h) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in subsection (1) of this section.

NEW SECTION

WAC 480-120-303 Reporting requirements for competitively classified companies. The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

- (1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1st of each year;
- (2) Provide total number of access lines as required on the annual report form;
- (3) Provide income statement and balance sheet for total company; and
- (4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-304 Reporting requirements for companies not classified as competitive. (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

- (a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;
- (b) Provide total number of access lines as required on the annual report form; and
- (c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.
 - (i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.
 - (ii) All other Class A companies must file annual reports on the form prescribed by the commission.
 - (iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).
 - (2) Quarterly reports for companies not classified as competitive:
 - (a) All Class A companies must file results of operations quarterly.
 - (b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.
 - (c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.
 - (3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.
 - (4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

NEW SECTION

WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases. (1) A Class B company, as defined in WAC 480-120-302(1), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC 480-09-330.

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) **Adjustments provided for in the results of operations.**

(a) The results-of-operations statement must provide restating actual adjustments and proforma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated a company must adjust the booked results of operations for restating actual and proforma adjustments, including the following:

(i) Nonoperating items;

(ii) Extraordinary items;

(iii) Nonregulated operating items; and

(iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194, and must include the following information:

(a) The proposed increase expressed in (i) total dollars and average percentage terms, and (ii) the average monthly increases the customers in each category or subcategory of service might reasonably expect;

(b) The name and mailing address of the commission and public counsel;

(c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-

five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

NEW SECTION

WAC 480-120-311 Access charge and universal service reporting. (1)
Intrastate mechanism reporting.

(a) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(i) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(ii) Primary toll carriers (PTCs) must file, in addition to (a) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail customers using feature group C switched access service for the origination and termination of any such service(s).

(b) The report containing the information required in (a) of this subsection must be filed by July 1 of each year.

(c) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

(2) **Annual state certification requirements for interstate (federal) mechanism.** Each eligible telecommunications carrier (ETC) in Washington receiving federal high-cost universal service support funds must provide the following to the commission not later than August 31 of each year:

(a) A certification that, during the calendar year preceding the year in which certification is made, the ETC provided the supported services required by 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

(b) A certification that, during the calendar year preceding the year in which certification is made, the ETC advertised the availability of supported services and the charges for them as required by 47 U.S.C. § 214(e) and as described in the commission order granting it ETC status;

(c) A certification that funds received by it from the federal high-cost universal service support fund will be used only for the provision, maintenance, and upgrading of the facilities and services for which the

support is intended;

(d) The amount of all federal high-cost universal service fund support received for the calendar year preceding the year in which the filing must be made (this includes, but is not limited to, High Cost Loop Support or "HCL", Local Switching Support or "LSS", Long Term Support or "LTS", Interstate Access Support or "IAS", and Interstate Common Line Support or "ICLS");

(e) The loop counts on which federal high-cost universal service support was based for support received during the calendar year preceding the year in which the filing must be made;

(f) The certifications required in (a) through (e) of this subsection must be made in the same manner as required by RCW 9A.72.085.

NEW SECTION

WAC 480-120-312 Universal service cost recovery authorization. (1) Authorization. Local exchange companies (LECs) may seek authorization to establish explicit rate additives or elements to recover costs for support of universal service in high-cost locations. In determining high-cost locations and the amount that may be recovered, the commission will consider the cost of providing service in rural areas and urban areas. The commission will also consider the comparability of rates between urban and rural areas. The commission may also consider per-customer revenue, and such other factors as it considers necessary to arrive at sufficient support.

(2) Portability. When determining the amount a competitively classified company may recover for support of universal service, the commission may use an incumbent LEC's cost of providing service in a high cost location as a proxy for the cost of the competitively classified company.

NEW SECTION

WAC 480-120-321 Expenditures for political or legislative activities.

(1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

NEW SECTION

WAC 480-120-322 Retaining and preserving records and reports. (1) Companies must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999.

NEW SECTION

WAC 480-120-323 Washington Exchange Carrier Association (WECA). (1) The Washington Exchange Carrier Association (WECA) may:

- (a) File petitions with the commission;
- (b) Publish and file tariffs with the commission; and
- (c) Represent before the commission those members that so authorize.

WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

- (a) All initial WECA tariffs; and
- (b) All changes to the tariffs.
- (3) A member of WECA may file directly with the commission:
 - (a) Tariffs;
 - (b) Revenue requirement computations;
 - (c) Revenue objectives;
 - (d) Universal service support cost calculations;
 - (e) Total service long run incremental cost studies;
 - (f) Competitive classification petition;
 - (g) Other reports; or
 - (h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

- (a) Actual fund collections and distributions to each member company;
- (b) The basis upon which the collection and distribution is made;
- (c) Board membership;
- (d) Special committee membership; and

(e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket UT-971140 with Attachment" dated June 28, 2000.

PART IX. SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-120-401 Network performance standards. (1) All companies must meet the applicable network performance standards set forth in this section. The standards applied to each service quality measurement are the minimum acceptable quality of service under normal operating conditions. All performance standards apply to each central office individually and must be measured at or below that level. The performance standards do not apply to abnormal conditions, including, but not limited to work stoppage directly affecting provision of service in the state of Washington, holidays, force majeure, or major outages caused by persons or entities other than the local exchange company (LEC) or its agents.

(2) **Switches.** End-office switches, in conjunction with remote switches where deployed, must meet the following standards:

(a) **Dial service.** For each switch, companies must meet the following minimum standards during the switch's average busy-hour of the busy season:

(i) Dial tone must be provided within three seconds on at least ninety-eight percent of calls placed; and

(ii) Ninety-eight percent of calls placed must not encounter an intraswitch blocking condition within the central office, or blocking in host-remote, or interoffice local trunks.

(b) **Intercept.** Central office dial equipment must provide adequate access to an operator or to a recorded announcement intercept to all vacant codes and numbers. Less than one percent of intercepted calls may encounter busy or no-circuit-available conditions during the average busy-hour, of the busy-season.

(3) **Interoffice facilities.** Blocking performance during average busy-hour for ninety-nine percent of trunk groups for any month must be less than one-half of one percent for intertoll and intertandem facilities and less than one percent for local and EAS interoffice trunk facilities. The blocking standard for E911 dedicated interoffice trunk facilities must be less than one percent during average busy-hour of the busy season. Two consecutive months is the maximum that a single trunk group may be below the applicable standard.

(4) **Outside plant.**

(a) **Local loops.** Each LEC must design, construct, and maintain subscriber loops to the standard network interface or demarcation point as

follows:

(i) For voice grade, local exchange service loops must meet all performance characteristics specified in Section 4 of the Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics. Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999.

(ii) For voice grade service, the circuit noise level on customer loops measured at the customer network interface must be equal to or less than 20.0 dBrnC, except that digitized loops and loops in excess of 18,000 feet must have a noise level objective of less than 25.0 dBrnC, and noise levels must not exceed 30 dBrnC.

(b) **Special circuits.** Off-premise station circuit loss must not exceed 5.0 dB at 1004 Hz when measured between the customer switch demarcation and the customer station demarcation. LECs with over fifty thousand access lines must maintain design criteria for special circuits. Companies must make channel performance criteria available to customers upon request.

(c) **Digital services.** LECs must meet the availability objectives for digital private line circuit performance specified in the American National Standards for Telecommunications, "Network Performance Parameters for Dedicated Digital Services - Specifications." Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999. Upon request of a customer, a LEC may provide to that customer digital services that do not meet the performance standards set forth in (b) of this subsection.

(5) **Service to interexchange carriers.** LECs must provide service to interexchange carriers at the grade of service ordered by the interexchange carrier. At a minimum, each interexchange carrier must order sufficient facilities from each LEC such that no more than two percent of all calls are blocked at the LEC's switch.

(6) Companies must monitor the network performance of the equipment they own, operate, or share at frequent intervals so that adequate facilities can be designed, engineered and placed in service when needed to meet the standards of this section.

(7) Each Class A LEC must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions can be redirected or forwarded to an alternate repair or maintenance service center location.

NEW SECTION

WAC 480-120-402 Safety. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

NEW SECTION

WAC 480-120-411 Network maintenance. (1) Each local exchange company (LEC) must:

(a) Provide adequate maintenance to ensure that all facilities are in safe and serviceable condition;

(b) Correct immediately hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist;

(c) Promptly repair or replace broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service; and

(d) Correct promptly transmission problems on any channel when located or identified, including noise induction, cross-talk, or other poor transmission characteristics.

(2) Each LEC must install and maintain test apparatus at appropriate locations to determine the operating characteristics of network systems and provide sufficient portable power systems to support up to the largest remote subscriber carrier site. For the safe and continuous operation of underground cables, each LEC must establish air pressurization policies and an air pressurization alarm-monitoring program where appropriate.

(3) Central offices equipped with automatic start generators must have three hours' reserve battery capacity. Central offices without automatic start generators must have a minimum of five hours' reserve battery capacity. Central offices without permanently installed emergency power facilities must have access to readily connectable mobile power units with enough power capacity to carry the load and that can be delivered within one half of the expected battery reserve time.

NEW SECTION

WAC 480-120-412 Major outages. (1) All companies must make reasonable provisions to minimize the effects of major outages, including those caused by force majeure, and inform and train pertinent employees to prevent or minimize interruption or impairment of service.

(2) **Notice to commission and public safety answering point (PSAP).** When a company receives notice of or detects a major outage, it must notify the commission and any PSAP serving the affected area as soon as possible.

(3) **Notice to county and state emergency agencies and coordination of efforts.** When a major outage affects any emergency response facility, a company must notify immediately the county E911 coordinator and the state emergency management authorities, and provide periodic updates on the status of the outage. The company must coordinate service restoration with the state emergency management authorities if it requests it, and, if requested to do so by the commission, report daily to it the progress of restoration efforts until the company achieves full network recovery.

(4) **Major outages repair priorities.**

(a) Outages affecting PSAPs and emergency response agencies must receive attention first and be repaired as soon as possible.

(b) Companies must restore other services within twelve hours unless conditions beyond a company's control prevent service restoration within twelve hours.

(c) Companies must restore outages to their facilities affecting intercompany trunk and toll trunk service within four hours after the problem is reported unless conditions beyond a company's control prevent service restoration within four hours. If the problem is not corrected within four hours, the company must keep all other affected companies advised of the status of restoration efforts on a twice-daily basis.

(5) **Information to public.** Unless heightened security concerns exist, during major outage recovery efforts all companies must implement procedures to disseminate information to the public, public officials, and news media. All companies must provide a statement about the major outage that includes the time, the cause, the general location and approximate number of affected access lines, and the anticipated duration.

(6) **Notice of intentional outage.** When a company intends to interrupt service to such an extent that it will cause a major outage, it must notify all customers who will have their telephone service affected and the state emergency management division not less than seven days in advance if circumstances permit or as soon as it plans to interrupt service if circumstances do not permit seven days' advance notice. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

(7) **Records.** All companies must keep a record of each major outage and a statement about the interruption that includes the time, the cause, the location and number of affected access lines, and the duration.

NEW SECTION

WAC 480-120-414 Emergency operation. (1) All companies must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

(a) Local network operations center;

(b) Regional network operations center; or

(c) Emergency operations center.

NEW SECTION

WAC 480-120-436 Responsibility for drop facilities and support structure. (1) **Initial provision of service to a premise with no existing drop facilities.** Companies are responsible for designating the route of the drop facility and the type of support structure.

(a) Provision of drop facilities. The company is responsible for all work and materials associated with drop facilities.

(b) Provision of support structure. The company may require the applicant to provide a support structure that meets company standards. Once the company provides service, the company is responsible for maintenance and repair of the existing drop facilities and support structure as provided for in WAC 480-120-437.

(c) Nothing in this rule prohibits the company from offering the applicant an alternative to pay the company a tariffed or price listed rate for provision of the support structure.

(2) Requests for initial service or additional service at a premise where all existing pairs within a drop facility are not in use. A company is responsible for all work and materials associated with the drop facilities and if applicable the support structure so long as the total number of lines requested by the customer does not exceed the original capacity of the drop facility.

Any work or materials associated with repair of abandoned or defective pairs is considered maintenance and repair under WAC 480-120-437.

(3) Requests for additional service to premises where all existing pairs within a drop facility are not in use or where the total number of lines requested by a customer exceeds the original capacity of the existing drop facility.

(a) The company is responsible for all costs, including the costs of work and materials, associated with placement of additional drop facilities.

(b) The company may require the applicant to provide a support structure for placement of the new drop facility.

(c) A company must use an existing support structure for placement of the new drop facility when:

(i) The support structure it is large enough to support placement of the new facility; and

(ii) It follows a path which remains suitable to the company; and

(iii) The customer makes the support structure accessible to the company (e.g., uncovers the entry to the conduit and removes any items that would impede the use of the conduit, such as tree roots).

NEW SECTION

WAC 480-120-437 Responsibility for maintenance and repair of facilities and support structures. (1)(a) Companies are responsible for all work, materials, and costs associated with reinforcing existing distribution plant, and repairing and maintaining existing distribution and drop facilities and support structures up to and including the standard network interface (SNI).

(b) The customer is responsible for maintaining facilities on the customer's side of the SNI.

(2) A company, in its sole discretion, may determine to replace or reinforce any existing facilities or support structures for which it is responsible for maintenance or repair. If the company decides to replace existing facilities or support structures, all the work and materials associated with the installation of facilities and support structures is considered repair and maintenance, and not new construction.

(3) With respect to cost, subsection (1)(a) of this section does not apply when damage has been caused by a customer or third party, in which case, the company may charge that individual the cost of repair, maintenance,

or replacement of company facilities and, if applicable, support structure. Nothing in this subsection is intended to limit the company's ability to recover damages as otherwise permitted by law.

NEW SECTION

WAC 480-120-438 Trouble report standard. Trouble reports by central office must not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to customer premise equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company.

NEW SECTION

WAC 480-120-439 Service quality performance reports. (1) Class A companies must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. Companies must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105, 480-120-107, 480-120-112, 480-120-132, 480-120-401, 480-120-411, and 480-120-440.

(3) **Missed appointment report.** The report must include the number of appointments missed for which missed appointment credits were required by WAC 480-120-107.

(4) **Held orders for installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105. The report must include orders with due dates later than five days as requested by a customer. The held order report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) A separate report must be filed each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105. The held order ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) A separate report must be filed each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105. The held order one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable

to complete within one hundred eighty days.

Orders for which customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption under WAC 480-120-015 from the requirement for installation or activation of a particular order may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438. The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438. The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2) (a), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** Companies that experience trunk blocking in excess of the standard in WAC 480-120-401(3) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, and the busy hour when peak blockage occurs. The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.** (a) For service-interruption repairs subject to the requirements of WAC 480-120-440, companies must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must indicate the number of construction orders requiring permits as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, companies must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must state the number of construction orders requiring permits as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, companies must report compliance with the standard required in WAC

480-120-133. If requested, companies must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

NEW SECTION

WAC 480-120-440 Repair standards for service interruptions and impairments, excluding major outages. (1) A company must repair all out-of-service interruptions except those which are part of a major outage (WAC 480-120-412) and those caused by force majeure within forty-eight hours from the time a customer initially reports the problem to the company.

For purposes of this section an out-of-service interruption is defined as a condition that prevents the use of the telephone exchange line for purposes of originating or receiving a call and does not include trouble reported for nonregulated services such as voice messaging, inside wiring, or customer premises equipment.

(2) A company must repair all other regulated service interruptions within seventy-two hours from the time a customer initially reports the problem to the company.

(3) The forty-eight-hour and seventy-two-hour standards do not apply during company work stoppages directly affecting provision of service in the state of Washington.

(4) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period that indicates that the customer's service is operating within industry standards. The company must make all test information available to the commission upon request.

(5) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period which demonstrate that the reported problem may only be cleared from within the customer's premises and the company is either unable to reach the customer to arrange access or is refused access by the customer. The company must make all test information and customer contact logs available to the commission upon request.

(6) For the purposes of this section, Sundays and legal holidays are not considered working days and are therefore excluded from the forty-eight-hour and seventy-two-hour periods.

(7) In instances when repair requires construction work, the forty-eight-hour and seventy-two-hour periods begin when a company has received appropriate authorization from the applicable governing body associated with the repair (e.g., utility location services are completed and, if applicable, a permit is granted). A company must contact the appropriate authorities to request applicable utility location services and permits when the company determines that a repair situation requires construction work to correct. Upon receiving any repair report that requires construction work, a company must contact the appropriate authorities as soon as practicable to request utility location services and permits, if applicable.

(8) When a company plans a service interruption, it must notify customers that it determines service will be affected not less than seven days in advance or, if seven days' notice is not possible, as soon as the interrupted service is planned. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur

between the hours of 12:00 a.m. and 5:00 a.m.

NEW SECTION

WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies. "Private branch exchange (PBX)" means customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to PSAP and is used to retrieve the automatic location information (ALI) for the PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The phone number must be that of the pay phone.

(2) (a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. Methods for maintaining station location information that are not internet-based may be offered in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within twenty-four hours of those records being posted to the company record system.

Records that do not post to the DBMS because of address errors must be corrected within two working days unless modifications are necessary to the

audit tables of the master street address guide, in which case the record must be resubmitted within twenty-four hours of notification that the master street address guide has been updated.

(e) E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

(3) LECs wishing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and supporting cost studies or price lists, whichever applies, that specify the charges and terms for E911 services.

(4) (a) PBX customers who choose to maintain their own E911 data base, or contract that maintenance to a third party, must be permitted to do so if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

NEW SECTION

WAC 480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs). All local exchange carriers (LECs) must provide a telephone number, which may include a number for a paging device, that public safety answering points (PSAPs) may use to reach a company representative with questions related to the accuracy of station location records. LECs must accept calls to the provided number at all times. LECs that provide a number for the paging device must respond within three minutes of the page.

All LECs must provide an E911 data base maintenance contact who is available during business day hours to the county E911 data base coordinators in those counties in which they provide service.

NEW SECTION

WAC 480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base--When permitted. (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) Absent a judicial order, reverse search must not be used for criminal or legal investigations or other nonemergency purposes.

NEW SECTION

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications" (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401.

(c) The American National Standards for Telecommunications "Network Performance Parameters for Dedicated Digital Services - Specifications" is a copyrighted document. Copies are available from the publisher and third-party vendors.

(2) The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401.

(c) The IEEE Standard Telephone Loop Performance Characteristics is a copyrighted document. Copies are available from the publishers.

(3) The National Electrical Safety Code is published by the IEEE.

(a) The commission adopts the version in effect in 1997.

(b) This publication is referenced in WAC 480-120-402.

(c) The National Electrical Safety Code is a copyrighted document. Copies are available from the publishers and from third-party vendors.

(4) Title 47 Code of Federal Regulations, cited as 47 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-302 and 480-120-322.

(c) Copies of Title 47 Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-029	Accounting requirements for competitively classified companies.
WAC 480-120-031	Accounting.
WAC 480-120-032	Expenditures for political or legislative activities.
WAC 480-120-033	Reporting requirements for competitively classified companies.

WAC 480-120-041	Availability of information.
WAC 480-120-042	Directory service.
WAC 480-120-043	Notice to the public of tariff changes.
WAC 480-120-045	Local calling areas.
WAC 480-120-046	Service offered.
WAC 480-120-051	Availability of service--Application for and installation of service.
WAC 480-120-056	Establishment of credit.
WAC 480-120-057	Deposit or security--Interexchange telecommunications companies.
WAC 480-120-081	Discontinuance of service.
WAC 480-120-087	Telephone solicitation.
WAC 480-120-088	Automatic dialing-announcing devices.
WAC 480-120-089	Information delivery services.
WAC 480-120-101	Complaints and disputes.
WAC 480-120-106	Form of bills.
WAC 480-120-116	Refund for overcharge.
WAC 480-120-121	Responsibility for delinquent accounts.
WAC 480-120-126	Safety.
WAC 480-120-131	Reports of accidents.
WAC 480-120-136	Retention and preservation of records and reports.
WAC 480-120-138	Pay phone service providers (PSPs).
WAC 480-120-139	Changes in local exchange and intrastate toll services.
WAC 480-120-141	Operator service providers (OSP).
WAC 480-120-340	911 Obligations of local exchange companies.
WAC 480-120-350	Reverse search by E-911 PSAP of ALI/DMS data base--When permitted.
WAC 480-120-500	Telecommunications service quality--General requirements.
WAC 480-120-505	Operator services.
WAC 480-120-510	Business offices.
WAC 480-120-515	Network performance standards applicable to local exchange companies.
WAC 480-120-520	Major outages and service interruptions.
WAC 480-120-525	Network maintenance.
WAC 480-120-530	Emergency services.
WAC 480-120-531	Emergency operation.
WAC 480-120-535	Service quality performance reports.
WAC 480-120-541	Access charges.
WAC 480-120-542	Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-120-543	Caller identification service.
WAC 480-120-544	Mandatory cost changes for telecommunications companies.
WAC 480-120-545	Severability.