

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-091322
)	
QWEST CORPORATION,)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-120-255(3))	
Relating to Combining Customer)	ORDER GRANTING
Notices)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On August 18, 2009, Qwest Corporation (Qwest or the Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting a permanent exemption from WAC 480-120-255(3) which requires telecommunications companies to inform residential customers, via a single-topic notice, of their ability to block access to information delivery services.

- 2 In 2007, the Commission granted Qwest’s petition in UT-061465 to allow a temporary, two-year exemption, of WAC 480-120-255(3), under certain conditions.

- 3 Qwest seeks a permanent waiver of WAC 480-120-255(3) from the requirement that it inform residential customers of the blocking service through a “single-topic bill insert.” The Company does not seek exemption from the requirement to notify residential customers of the blocking service; the Company seeks exemption only from the requirement that the notice be a single-topic bill insert. Qwest will still be required to publish the notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The Company also posts the notice on its Web site.

DISCUSSION

- 4 In UT-061465, the Commission directed Staff to monitor Qwest’s complaints to determine the effect the temporary waiver may have on residential customers. Staff has monitored consumer complaints from January 2007 to the present. There are no complaints that indicate a negative effect on consumers as a result of the exemption granted in UT-061465.

- 5 Commission Staff reviewed the current request for a permanent waiver, and recommends granting Qwest's request, subject to the following condition(s):
- The top, or first notice of the insert should list each of the notices in the insert.
 - The information services blocking notice should not be sent with more than three other notices.
 - The title of each notice should be in a font larger than that in the body of the notice.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including telecommunications companies. *RCW 80.01.040, RCW 80.04 and RCW 80.36.*
- 7 (2) Qwest Corporation is a registered telecommunications company and a public service company subject to Commission jurisdiction under the provisions of *RCW 80.36.*
- 8 (3) Qwest Corporation is subject to the "single-topic" notice requirement set forth in WAC 480-120-255(3), requiring telecommunications companies to inform residential customers of a service to block information delivery services through a single-topic bill insert.
- 9 (4) Under WAC 480-120-015, the Commission may grant an exemption from any rule in WAC 480-120, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 10 (5) Staff has received no complaints that indicate a negative effect on consumers during the term of the temporary exemption granted in UT-061465.
- 11 (6) This matter was brought before the Commission at its regularly scheduled meeting on October 29, 2009.
- 12 (7) After reviewing the petition filed in Docket UT-091322 and giving due consideration, the Commission finds that the exemption is reasonable and should be granted with the following conditions:
- The top, or first notice of the insert should list each of the notices in the insert.

- The information services blocking notice should not be sent with more than three other notices.
- The title of each notice should be in a font larger than that in the body of the notice.

ORDER

THE COMMISSION ORDERS:

- 13 (1) Qwest is granted an exemption from the “single-topic” requirement in WAC 480-120-255(3).
- 14 (2) This exemption is subject to the following condition(s): (1) the top, or first notice of the insert should list each of the notices in the insert; (2) the information services blocking notice should not be sent with more than three other notices; and (3) the title of each notice should be in a font larger than that in the body of the notice.
- 15 (3) The Commission retains jurisdiction over the subject matter and Qwest Corporation to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 29, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary