



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Utilities & Transportation Commission

Preproposal Statement of Inquiry was filed as WSR #04-03-118 & #04-04-021 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: This rulemaking would consider possible corrections and changes to rules relating to telecommunications that are listed in Attachment A.

Docket No. UT-040015

Hearing location(s):
Commission Hearing Room 206
Second Floor, Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504

Date: September 22, 2004 Time: 9:30 A.M.

Date of intended adoption: September 22, 2004
(Note: This is NOT the effective date)

Submit written comments to:
Name: Carole J. Washburn, Secretary
Address: P. O. Box 47250, Olympia, WA 98504
e-mail records@wutc.wa.gov Please include
Docket No. UT-040015 in your communication.
fax (360) 586-1150 by (date) September 9, 2004

Assistance for persons with disabilities: Contact
Mary DeYoung by Monday, September 20, 2004
TTY (360) 586-8203 or (360) 664-1133

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The intent of the rulemaking is a "tune-up" of rules to make minor corrections, delete provisions no longer consistent with federal law, delete provisions that have been struck down in court, make grammar changes, and address issues that remained after the major review of telecommunications rules undertaken in 2000-2003.

Affected WACs are: (See Attachment A)

Reasons supporting proposal: After working with the recent comprehensive revision of the telecommunications rules for the past year to two years, the Commission Staff and stakeholders have discovered areas of the rules that call for minor correction, updates, deletion, and revision. This proposal would address those areas.

Statutory authority for adoption: RCW 80.01.040 and RCW 80.04.160

Statute being implemented: N/A

Is rule necessary because of a:
Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

DATE
August 18, 2004

NAME (type or print)
CAROLE J. WASHBURN

SIGNATURE

TITLE
EXECUTIVE SECRETARY

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: Washington Utilities & Transportation Commission

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Sharyn Bate	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1295
Implementation.... Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1174
Enforcement..... Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1174

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, an SBEIS is not required under RCW 19.85.030(1)

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

The Commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

ATTACHMENT A

480-120-021 Definitions.

1. Amend definitions of Class A and Class B companies to include reference to new section, WAC 480-120-026 (Classification of local exchange companies as Class A or Class B).

480-120-034 Classification of local exchange companies as Class A or Class B.

1. Adopt to provide clarification for method to classify Class A and class B companies. Clarify that affiliates' lines count in the calculation.

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

1. Correct WAC title reference.

480-120-122 Establishing credit—Residential services.

1. Grammar change.
2. Add ability to make advanced payments for ancillary service.

480-120-128 Deposit administration.

1. Revise effective date for calculating interest on customer deposits.
2. Clarify that rule is for retail services.

480-120-147 Changes in local exchange and intrastate toll services.

1. Establish time LEC to lift freeze, time limit to submit change order.
2. Update to be consistent with federal rule.
3. Grammar changes.

480-120-161 Form of bills.

1. Amend to require Internet address of website of service provider's tariff or price list.

480-120-166 Commission-referred complaints.

1. Delete subsection (11), amend to eliminate confusion caused from subsection (11).
2. Clarify requirement in subsections (8) and (9).

480-120-172 Discontinuing service—Company initiated.

1. Amend to clarify "deceptive means."
2. Provide consistent language across WACs.
3. Grammar changes.

480-120-173 Restoring service after discontinuation.

1. Provide consistent language across WACs.
2. Move payment arrangements portion to WAC 480-120-174.
3. Grammar changes.

480-120-174 Payment arrangements.

1. Clarify when companies must restore service.

480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services.

1. Incorporate requirement to include the web address of the price list on bills and notices.

480-120-201 Definitions.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-202 Customer proprietary network information.

1. Adopts by reference FCCs rules relating to customer proprietary information.

480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-204 Opt in approval required for use, disclosure, or access to customer I-CPNI.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-205 Using customer proprietary network information (CPNI) in the provision of services.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out).

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-211 Mechanisms for opting out of use of private customer account information (PAI).

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-213 Confirming changes in customer approval status.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-214 Duration of customer approval or disapproval.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-215 Safeguards required for I-CPNI.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-216 Disclosing CPNI on request of customer.

1. Repeal pursuant to court order that enjoins the Commission's enforcement of WAC 480-120-201 thru 216.

480-120-253 Automatic dialing-announcing device (ADAD).

1. Amend to remove the prohibition of using automatic dialing and announcing devices for unlisted telephone numbers.

480-120-262 Operator service providers (OSPs).

1. Amend to change "customer" to "consumer" as used in section's definitions.

480-120-302 Accounting requirements for companies not classified as competitive.

1. Repeal for consistency with chapter reorganization in Docket A-021178. Replaced by WAC 480-120-359.

480-120-359 Companies not classified as competitive.

Replaces WAC 480-120-302.

1. Change section number and section title to correspond to chapter reorganization in Docket A-021178.
2. Amend to remove definition that duplicates definitions used in WAC 480-120-021.

480-120-402 Safety.

1. Cross-references to WAC 480-120-999 (Adoption by reference) for information about the applicable version of National Electric Safety Code.
2. Grammar changes.

480-120-414 Emergency operation.

1. Grammar change.

480-120-439 Service quality performance reports.

1. Grammar/style changes.

480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.

1. Amend to clarify the obligation to make changes to customer records.

480-120-540 Terminating access charges.

1. Incorporate the often-granted CLEC waiver into the rule itself.

480-120-999 Adoption by reference.

1. Update one reference.
2. Grammar changes.

480-122-020 Washington telephone assistance program rate.

1. Eliminate requirement that non-ETCs offer the WTAP benefit if they have more than 100 residential customers.

480-122-060 Telephone assistance excise tax.

1. Repeals section on WTAP tax collections, because it is unnecessary with a 2004 statutory revision.

480-80-123 Tariff changes that do not require statutory notice.

1. Amend to make consistent with RCW 80.36.110(1).

480-80-204 Price lists format and content.

1. Amend to include requirements for title page content of price list.

480-80-206 Price list availability to customers.

1. Delete requirement to include the web address of the price list on bills and notices. Incorporate this requirement into the rules governing bills (WAC 480-120-161) and notices (WAC 480-120-196).