

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Rule-Making
Related to Telecommunications
Companies – Chapter 480-120
WAC and the Medical
Emergency provision

DOCKET NO. UT-990146
WAC 480-120-172

**Comments of the Seattle Telecom Consortium:
Senior Services, WPAS, and ACRS**

November 12, 2002

We applaud the Commission on proposing strong rules regarding disconnection of local basic service, WAC 480-120-172 Discontinuing service--Company initiated. However, there is an oversight in the proposed rule language regarding the Medical Emergency provision that needs to be corrected before adoption.

While WAC 480-120-172 provides a provision for an additional grace period from disconnection for a Medical Emergency, there is no rule language that addresses the need to inform customers of this provision. Three changes are therefore required.

1. Disconnection notice

We respectfully request that the following language be added to the proposed subsection on disconnection notice 7a iix

"Notice that if a medical emergency condition exists, the customer may obtain an addition 5 day grace period to make payment arrangements." (See Attachment 1 page 1 for full section language with requested addition underlined)

Evidence for change. The need for this change came to our attention in the course of developing educational materials

for statewide outreach efforts to consumers and to consumer advocates working with seniors, people with disabilities, and people who have limited English speaking skills. In addition, a preliminary informal survey of consumers, consumer advocates and the health care community indicates a clear and consistent lack of awareness of the Medical Emergency provision. Furthermore, telephone company representatives do not appear to provide adequate or helpful information concerning this and other disconnection provisions to customers or advocates. (See Attachment 2, A Case Study.)

2. Directory Service rule

We respectfully request that the Commission require telephone companies to include information on the Medical Emergency provision in the telephone directory and/or welcome letter by adding the following phrase to WAC 480-120-251 Directory service, section 6c

"and the steps a customer can take to avoid disconnection such as the Medical Emergency provision and payment plan provisions;" (See Attachment 1 page 2)

Evidence for change: We believe it is self-evident, on reviewing the rule language of WAC 480-120-251, that it does not address the most critical consumer issue - what a **customer** must do to avoid disconnection - but merely describes the course of action that the phone company must perform in order to legally disconnection a customer. In addition, it has come to our attention over the past year, that phone company representatives do not routinely offer payment plans to customers facing disconnection or seeking reconnection. Customers need to know these provisions exist if they are expected to be able to take advantage of them. The Commission's good rules as written will simply gather dust without informed consumers.

3. Remedy and appeals

We respectfully request that the Commission delete the last part of subsection 12.

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.~~

Evidence for change: There appears to be an assumption by the Commission and Telephone Industry that a customer will think to ask to speak to a supervisor. It has been our experience that many customers assume that the phone representative fully represents the company and has all the necessary information and authority to resolve their problem. Consumers do not understand that there are some state telecommunications laws (or customer privileges) that apply only when the customer initiates a request to speak to a supervisor. Most consumers believe a supervisor is responsible for the performance of their staff rather than the keeper of special "deals." We do not think any amount of consumer education can resolve this difference in assumptions, nor do we think the current process is just. We believe, after considerable deliberation, that the only viable solution is for the Commission to eliminate any rule language that relies on this false assumption.

Clarify timeframe for grace period

We want to remind the Commission of previous comments on this rule that were made regarding the timeframe for the grace period. WITA pointed out in their 6/27/02 comments that "there appear to be a number of inconsistencies in this subsection. Subsection 6(a) provides for a five-day grace period. However, 6(e) refers to a ten-day grace period." WPAS confirmed in earlier comments our understanding that customers need a minimum of ten days to obtain documentation from health care professionals.

It has been our experience, as well the experience of other consumer advocates, that it is extremely important that rules are clear to phone company representatives. Both consumer advocates and phone company representatives have occasion to refer to the rules when resolving disputes. Consumer Advocates have repeatedly expressed their frustration when referring to existing rules only to have a phone representative insist on an unreasonable interpretation of that rule. Clarifying the difference between customer notification of a medical emergency condition and the optional requirement by a phone company for written documentation to confirm such a condition will help to reduce these differences in readings of the rules.

We therefore respectfully request the following language be added to subsection 6b "after initial notification by customer".

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within ten business days, after initial notification by customer, stating that the discontinuation of basic service or restricted basic service would aggravate an existing medical condition of a resident of the household.

Definition of medical emergency

While we take no particular position on this matter at this time, we hope to contribute to the understanding and interpretation of this rule in the future. Both Qwest and WITA expressed concern regarding the change in wording of WAC 480-120-172 subsection (6)(b) from "significantly endanger the physical health of the subscriber or member of the household" to "aggravate an existing medical condition." We believe that the exact wording of this rule will not be as important as the community consensus on the interruption. Our ability to participate in this discussion will depend on the timing of the adoption of this rule as well as other competing priorities. However, we hope to have an opportunity to work with the Commission, the Telephone Industry, the Health Care Community, Consumer Advocates, and Consumers in the discussion and development of educational materials and outreach on this issue.

Efforts to compliment rulemaking

In addition to the above requested changes to the rule language, we respectfully request that the Commission provide information about the Medical Emergency provision prominently on the consumer section of the WUTC website. The Oregon Commission's website is a good job example of how this can be done. www.puc.state.or.us.

Thank you for your time and attention to this matter.
Respectfully,

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