

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making)
Proceeding Related To)
)
) Docket No. UT-991922
Registration, Competitive Classification)
and Price Lists of Telecommunications Companies,)
Chapter 480-121 WAC; Prepaid Calling Services,)
WAC 480-120-052; and Protection of Customer)
Prepayments, WAC 480-120-058)
_____)

Comments of Qwest Corporation

August 31, 2001

Qwest Corporation ("Qwest") files these comments in response to the Commission's August 13, 2001 Notice of Opportunity to File Written Comments on Registration, Competitive Classification and Price List rules for Telecommunications Companies, Chapter 480-121 WAC; Prepaid Calling Services, WAC 480-120-052; and Protection of Customer Prepayments, WAC 480-120-058. Qwest will attend the September 6, 2001 workshop to discuss the proposed rules. Qwest has the following concerns with the proposed August 13, 2001 rule language:

WAC 480-120-052 Prepaid calling services

WAC 480-120-052 (6) is new language that includes additional requirements for disclosure in a written presale document for prepaid calling services. The proposed language of concern to Qwest is as follows:

(6) Any company offering prepaid calling service, even if it does not issue an actual card, must disclose in a written presale document, the same information required in (5)(a)(i) - (vi) and (5)(c)(i)-(iv) of this rule. ...

It may be that this proposed language has some typing errors; for example the proposed rule does not include (i)-(iv) in subsection (5)(c). If the above rule language were limited to the requirements in proposed subsection (5)(d), it would be consistent with the existing rule requirements.

However, if the proposed language is not a typing error and is included by design, than the affect of the proposed language is that it now requires the post choice

information (currently required on the card itself) also be disclosed in a written presale document. Qwest opposes any such requirement since it would increase cost, is unnecessary and produces no value. The current and proposed rule at (5)(a)(i) - (vi) identifies the information required for inclusion on the card once the customer has made the purchase. The information may be required by the customer in the utilization of the card services once the purchase decision has been made but does not include information pertinent to the purchase decision. Therefore it should not be required as part of the disclosure requirements in a written presale document. The information covered under (5)(a)(i)-(vi) was previously determined by the Commission as necessary information once the customer had made the decision to purchase the card.

The current rule at (5)(b)(i)-(iv) and at proposed rule (5)(d)(i)-(iv) identifies the information required to help the customer make an informed decision prior to purchase. These requirements have not been modified in the proposed rule and are adequate. Qwest respectfully requests the Commission modify WAC 480-120-052 (6) as follows:

(6) Any company offering prepaid calling service, even if it does not issue an actual card, must disclose in a written presale document, the same information required in (5)(d)(i)-(iv) of this rule.

Chapter 480-121 WAC

WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies

The proposed language at WAC 480-121-063(4) suggests the Commission may waive the policy requirements found in WAC 480-120-543 specific to Caller identification service. The requirements contained in WAC 480-120-543 are as follows:

Any caller identification service provided by a telecommunications company shall include the option for calling parties to block the delivery of their numbers, names or locations. This option shall be available on a per call or per line basis without recurring charges. This section does not apply to the delivery of caller numbers, names or locations to a 911 or enhanced 911 service, or other emergency service, or a customer originated trace.

It is unclear why such a policy should be waived for competitively classified companies. Waiver of such a policy for such companies is discriminatory in nature since non-competitively classified companies are required to offer such options and to do so without recurring charges. Qwest respectfully suggest the commission eliminate WAC 480-120-543 for all companies or remove WAC 480-121-063(4)(x) from the proposed rule.

WAC 480-121-064 Reclassifying a competitive telecommunications company or service.

Proposed WAC 480-121-064 eliminates the right to a hearing, which is contained in the existing rule. The elimination of this language suggests that this step will be omitted. Qwest continues to object to the exclusion of the existing "hearing" rule language. The existing rule states that "After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest." The "hearing" language should be retained.

The proposed rule retains the obligation of the company to demonstrate that existing competitive classification is proper and consistent with the public interest. To demonstrate such, a hearing will be necessary. Retention of this requirement may suggest that the Commission concurs that the hearing process is necessary. However, at a prior workshop the companies were advised that the exclusion of the "hearing" provision was based on recent legislation passed in 1998. A review of the 1998 legislation reveals no material change to RCW 80.36.320(4) or RCW 80.36.330(7)the statutes empowering the Commission to reclassify companies and services. Nor can it be said that the proposed change is simply harmonizing the proposed rule with the existing statutes. The statutes do not preclude the right to a hearing, were not materially modified in 1998 and the existing rule clearly denotes the right to a hearing prior to reclassification. Therefore the proposed change clearly eliminates this right. Qwest respectfully suggests WAC 480-120-064 be modified as follows:

After notice and hearing, the commission may reclassify any competitive telecommunications company or service if it determines that reclassification would protect the public interest. The telecommunications company must demonstrate that the existing competitive classification is proper and consistent with the public interest.

WAC 480-121-X07 Name change

It appears WAC 480-121-X07 was created to mirror comparable tariff requirements found at WAC 480-80-250 Adoption Notice and WAC 480-80-260 Tariff of Acquired Utility. Qwest respectfully suggests WAC 480-80-250 and -260 be amended to include price lists.

Should the Commission decide to proceed with WAC 480-121-X07 then Qwest suggests WAC 480-121-X07(1)(b) be amended to allow a company to adopt existing price lists initially and to file new price lists within sixty days, comparable to the time frames found in WAC-480-80-260. As currently proposed, WAC 480-121-X07 requires a telecommunications company to file a revised price list reflecting the new name of the company *when* the company changes its name.