

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

In the Matter of the Petition of	)	DOCKET NO. UT-021398
	)	
QWEST CORPORATION,	)	
	)	
Petitioner,	)	
	)	
Seeking Exemption from Certain	)	
Provisions of WAC 480-120-088	)	
Relating to Automatic Dialing-	)	ORDER GRANTING PARTIAL
Announcing Devices.	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1     On October 28, 2002, Qwest Corporation (Qwest or the Company) filed a petition requesting a permanent exemption from WAC 480-120-088(2), 480-120-088(3)(a), and 480-120-088(5) as the rule applies to its "I-CALLED" service. "I-Called" service allows a caller to leave name and number information for future delivery when the called party does not answer. Qwest was previously granted a temporary exemption from certain provisions of WAC 480-120-088, in Docket UT-010610, through April 1, 2002.
  
- 2     WAC 480-120-088, Automatic Dialing-Announcing Devices (ADAD), requires that certain conditions be met before a service using an ADAD may be deployed. WAC-480-120-088(2) requires that telecommunications companies use a human operator announcement prior to the delivery of the recorded message; subsection (3)(a) requires that certain information must be provided; and subsection (5) excludes the calling of unlisted numbers.
  
- 3     Qwest stated in its petition that it is not offering its "I-Called" service for advertising or solicitation purposes and therefore believes the service is not inconsistent with the spirit and intent of WAC 480-120-088. Further, in Docket

UT-010610, Qwest provided information on how the "I-Called" service works and what conditions limit adherence to the rule. The technical limitations identified in that petition continue to exist.

4 On January 13, 2003, Qwest filed a letter stating that it does not believe that the exemption Qwest is currently seeking needs to be carried forward past July 1, 2003, the date upon which the Commission's proposed rule revisions to Chapter 480-120 WAC become effective.

5 Commission Staff reviewed the request and recommended granting Qwest's request for exemption until July 1, 2003.

### 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 rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*

7 (2) Qwest is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.

8 (3) Qwest is subject to the provisions of WAC 480-120-088. WAC-480-120-088(2) requires that telecommunications companies use a human operator announcement prior to the delivery of the recorded message; subsection (3)(a) requires that certain information must be provided; and subsection (5) excludes the calling of unlisted numbers.

- 9 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on April 30, 2003.
- 11 (6) After review of the Petition filed in Docket UT-021398 by Qwest on October 28, 2002 and giving due consideration, the Commission finds that a temporary exemption is reasonable and should be granted.

## ORDER

### THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, Qwest Corporation is granted a temporary exemption from WAC 480-120-088(2),(3)(a), and (5), Automatic Dialing-Announcing Devices, as it relates to its "I-CALLED" services until July 1, 2003.
- 13 (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 this 30<sup>th</sup> day of April, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary