

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

In the Matter of

QWEST CORPORATION

Petition For Clarification or Waiver of
WAC 480-120-450 (2)(e) as Adopted on
December 16, 2002 in Docket No.
UT-990146 and Effective July 1, 2003

DOCKET NO. UT-030394

ORDER NO. 01

INTERPRETIVE STATEMENT
REGARDING THE
INTERPRETATION OF
WAC 480-120-450(2)(e)

BACKGROUND

- 1 On March 21, 2003, Qwest Corporation (Qwest) petitioned the Commission for clarification or waiver of WAC 480-120-450(2)(e), as adopted on December 12, 2002, in Docket UT-990146 and effective July 1, 2003. The Commission treats Qwest's petition for clarification or waiver as a petition for an interpretive statement, interpreting the rule. The Commission considered this matter during its open meeting of June 11, 2003.
- 2 Docket UT-990146 was a Commission rulemaking that resulted in a complete revision of Chapter 480-120 WAC.
- 3 One subject in the rulemaking was local exchange company (LEC) responsibilities with respect to the enhanced 9-1-1 (E911) system. The E911 system automatically conveys station location information to public safety answering points (PSAPs). That information makes it possible for emergency personnel to respond to a call when the caller is unable to provide location information. All counties in Washington have implemented E911.
- 4 The rules were adopted by the Commission on December 16, 2003, but filed to become effective on July 1, 2003 so that all interested persons and companies could plan for required changes.

THE PETITION

5 Qwest petitioned for clarification or waiver of the requirements of WAC 480-120-450(2)(e). The requirement concerns resolution of E911 data base errors reported by PSAPs to LECs. LECs must resolve reported errors within five working days of the report.¹

6 In its petition, Qwest states that, as a data base administrator, it:

“...receives reports of data base errors and inquiries from PSAPs concerning services that are not provided by Qwest. These services may be provided by another local exchange carrier, a pay phone service provider, or a wireless service provider. Upon receipt of a report of an E911 data base error or inquiry, Qwest will conduct an initial investigation. If the error or inquiry concerns service provided by Qwest, then Qwest will resolve the issue pursuant to the rule. If upon investigation, it is determined that the error or inquiry concerns information or service provided by another provider (e.g., another local exchange provider, a pay phone service provider, or a wireless provider), then Qwest will refer the case to the other provider for resolution.”

Petition at 2.

7 Qwest seeks clarification that “WAC 480-120-450(2)(e) only applies where the LEC receiving the notice of error or inquiry is also the service provider.” *Id.* at 3. Alternatively, Qwest seeks a “limited” exemption of the rule with the result of the exemption that Qwest would only be responsible for correcting data base errors for locations it serves. *Id.*

¹ WAC 480-120-450(2)(e) reads:

E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

COMMISSION ANALYSIS

- 8 The Commission understands Qwest's concern to be that under one interpretation of the rule language, Qwest might be obligated to make corrections to location information records for customer locations where it is not the LEC providing service. In those instances, it does not have access to the needed information and might not have the authority to change the records.
- 9 The rule places obligations on LECs that are service providers, and also on LECs that administer E911 data bases. The intention of the rule was that the obligation created by subsection (2)(e) fall on LECs in their role as service providers. That subsection requires LECs to resolve reports of data base errors within five working days. The rule was not intended to impose those obligations on LECs that administer an E-911 data base, but are not the service provider at the location where an error is discovered. We agree that the language of the rule is subject to an interpretation that would impose an inappropriate responsibility on a LEC that is a data base administrator, and that the Commission should clarify the meaning of the rule.
- 10 Reviewing available procedural options, we believe that the most efficient and appropriate way to respond to Qwest's request is to issue this interpretive statement under RCW 34.05.230,² which encourages the Commission to issue interpretive statements that advise the public of its current opinions, approaches, and likely courses of action. Here, Qwest has sought clarification, and an interpretive statement is a proper mechanism to accomplish the interpretation. Our interpretation is as follows:
- 11 Subsection (2)(e) of WAC 480-120-450 requires LECs to resolve reports of data base errors within five working days. That obligation falls on LECs in their role as service providers. That subsection does not impose those obligations on LECs that administer an E-911 data base, but do not provide service at the location where an error is reported.

² See, also, WAC 480-09-200.

DATED at Olympia, Washington, and effective this 13th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

PATRICK J. OSHIE, Commissioner