[Service Date December 16, 2002]
Filed with the Code Reviser's Office December 12, 2002
WSR# 03-01-065

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Amending,	)	
Adopting and Repealing:	)	DOCKET NO. UT-990146
	)	
Chapter 480-120 WAC	)	GENERAL ORDER NO. R-507
	)	
Relating to Telephone Companies.	)	ORDER AMENDING, ADOPTING
	)	AND REPEALING RULES
	)	PERMANENTLY
. . . . .	)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 02-12-055, filed with the Code Reviser on May 30, 2002. The Commission brings this proceeding pursuant to RCW 80.01.040 and RCW 80.04.160.

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 **DATE OF ADOPTION**: The Commission adopts this rule on the date that this Order is entered.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE**: RCW 34.05.325 requires that the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the Commission's consideration of the comments.

5 The Commission often includes a discussion of those matters in its rule adoption Order. In addition, to avoid unnecessary duplication, the Commission designates the discussion in this Order as its concise explanatory statement, supplemented where not inconsistent by the Staff memoranda presented at the adoption hearing and at the open meetings where the Commission considered whether to begin a rulemaking and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This rule repeals the following sections of the Washington Administrative Code:

WAC 480-120-029	Accounting requirements for competitively classified companies.
WAC 480-120-031	Accounting.
WAC 480-120-032	Expenditures for political or legislative activities.
WAC 480-120-033	Reporting requirements for competitively classified companies.
WAC 480-120-041	Availability of information.
WAC 480-120-042	Directory service.
WAC 480-120-043	Notice to the public of tariff changes.
WAC 480-120-045	Local calling areas.
WAC 480-120-046	Service offered.
WAC 480-120-051	Availability of service—Application for and installation of service.
WAC 480-120-056	Establishment of credit.
WAC 480-120-081	Discontinuance of service.
WAC 480-120-087	Telephone solicitation.
WAC 480-120-088	Automatic dialing-announcing devices
WAC 480-120-089	Information delivery services.
WAC 480-120-101	Complaints and disputes.

WAC 480-120-106	Form of bills.
WAC 480-120-116	Refund for overcharge.
WAC 480-120-121	Responsibility for delinquent accounts.
WAC 480-120-126	Safety.
WAC 480-120-131	Reports of accidents.
WAC 480-120-136	Retention and preservation of records and reports.
WAC 480-120-138	Pay phone service providers (PSPs).
WAC 480-120-139	Changes in local exchange and intrastate toll services.
WAC 480-120-141	Operator service providers (OSPs).
WAC 480-120-340	911 Obligations of local exchange companies.
WAC 480-120-350	Reverse search by E-911 PSAP of ALI/DMS data base—When permitted.
WAC 480-120-500	Telecommunications service quality—General requirements.
WAC 480-120-505	Operator services.
WAC 480-120-510	Business offices.
WAC 480-120-515	Network performance standards applicable to local exchange companies.
WAC 480-120-520	Major outages and service interruptions.
WAC 480-120-525	Network maintenance.
WAC 480-120-530	Emergency services.
WAC 480-120-531	Emergency operation.
WAC 480-120-535	Service quality performance reports.
WAC 480-120-541	Access charges.
WAC 480-120-542	Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-120-543	Caller identification service.
WAC 480-120-544	Mandatory cost changes for telecommunications companies.
WAC 480-120-545	Severability.

This Order amends the following sections of the Washington Administrative Code:

WAC 480-120-011	Application of rules.
WAC 480-120-015	Exemptions from rules in chapter 480-120 WAC.
WAC 480-120-021	Definitions.
WAC 480-120-061	Refusing service.

7 This Order adopts the following sections of the Washington Administrative Code:

GENERAL RULES:

WAC 480-120-017	Severability.
WAC 480-120-019	Telecommunications performance requirements—Enforcement.

ESTABLISHING SERVICE AND CREDIT:

WAC 480-120-102	Service offered.
WAC 480-120-103	Application for service.
WAC 480-120-104	Information to consumers.
WAC 480-120-105	Company performance standards for installation or activation of access lines.
WAC 480-120-112	Company performance for orders for nonbasic services.
WAC 480-120-122	Establishing credit--Residential services.
WAC 480-120-123	Establishing credit--Business services.
WAC 480-120-124	Guarantee in lieu of deposit.
WAC 480-120-128	Deposit administration.
WAC 480-120-132	Business offices.

WAC 480-120-133	Response time for calls to business office or repair center during regular business hours.
WAC 480-120-146	Changing service providers from one local exchange company to another.
WAC 480-120-147	Changes in local exchange and intrastate toll services.
WAC 480-120-148	Canceling registration.

PAYMENTS AND DISPUTES:

WAC 480-120-161	Form of bills.
WAC 480-120-162	Cash and urgent payments.
WAC 480-120-163	Refunding an overcharge.
WAC 480-120-164	Pro rata credits.
WAC 480-120-165	Customer complaints.
WAC 480-120-166	Commission-referred complaints.
WAC 480-120-167	Company responsibility.

DISCONTINUING AND RESTORING SERVICE:

WAC 480-120-171	Discontinuing service--Customer requested.
WAC 480-120-172	Discontinuing service--Company initiated.
WAC 480-120-173	Restoring service after discontinuation.
WAC 480-120-174	Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.

TELECOMMUNICATIONS SERVICES:

WAC 480-120-251	Directory service.
WAC 480-120-252	Intercept services.
WAC 480-120-253	Automatic dialing-announcing device (ADAD).
WAC 480-120-254	Telephone solicitation.

WAC 480-120-255	Information delivery services.
WAC 480-120-256	Caller identification service.
WAC 480-120-257	Emergency services.
WAC 480-120-261	Operator services.
WAC 480-120-262	Operator service providers (OSPs).
WAC 480-120-263	Pay phone service providers (PSPs).
WAC 480-120-265	Local calling areas.

FINANCIAL RECORDS AND REPORTING RULES:

WAC 480-120-301	Accounting requirements for competitively classified companies.
WAC 480-120-302	Accounting requirements for companies not classified as competitive.
WAC 480-120-303	Reporting requirements for competitively classified companies.
WAC 480-120-304	Reporting requirements for companies not classified as competitive.
WAC 480-120-305	Streamlined filing requirements for Class B telecommunications company rate increases.
WAC 480-120-311	Access charge and universal service reporting.
WAC 480-120-321	Expenditures for political or legislative activities.
WAC 480-120-322	Retaining and preserving records and reports.
WAC 480-120-323	Washington Exchange Carrier Association (WECA).

SAFETY AND STANDARDS RULES:

WAC 480-120-401	Network performance standards.
WAC 480-120-402	Safety.
WAC 480-120-411	Network maintenance.
WAC 480-120-412	Major outages.
WAC 480-120-414	Emergency operation.

WAC 480-120-436	Responsibility for drop facilities and support structure.
WAC 480-120-437	Responsibility for maintenance and repair of facilities and support structures.
WAC 480-120-438	Trouble report standard.
WAC 480-120-439	Service quality performance reports.
WAC 480-120-440	Repair standards for service interruptions and impairments, excluding major outages.
WAC 480-120-450	Enhanced 9-1-1 (E911) obligations of local exchange companies.
WAC 480-120-451	Local exchange carrier contact number for use by public safety answering points (PSAPs).
WAC 480-120-452	Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base--When permitted.

ADOPTION BY REFERENCE:

WAC 480-120-999	Adoption by reference.

8 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on April 15, 1999, at WSR # 99-09-027.

9 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The statement advised interested persons that the Commission was considering entering a rulemaking to review rules relating to regulated telephone companies for content and readability pursuant to Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency, clarity, intent, and statutory authority, coordination, cost, and fairness. The statement also advised that the review would include consideration of whether substantive changes or additional rules are required for telecommunications regulation

generally, and in concert with the Federal Telecommunications Act of 1996 and potential actions by the Washington Legislature during its 1999 session. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered telecommunications companies and the Commission's list of telecommunications attorneys. The Commission posted the relevant rulemaking information on its internet web site at http://www.wutc.wa.gov.

10 **MEETINGS OR WORKSHOPS; ORAL COMMENTS:** The Commission held rulemaking workshops on May 5, 1999, March 9, 2000, April 11, 2000, April 18, 2000, November 29, 2000, February 21, 2001, March 14, 2001, March 22, 2001, May 8, 2001, April 16, 2001, June 5, 6, and 7, 2001, September 19, 2001, October 18 and 19, 2001, November 20, 2001, March 27, 2002 and November 1, 2002. Representatives of a diverse group of telecommunications companies and several consumer advocacy organizations attended the open meetings and workshops.

11 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on May 30, 2002, at WSR #02-12-055. The Commission scheduled this matter for oral comment and adoption under Notice WSR #02-12-055 at 9:30 a.m., Friday, July 26, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.

12 **COMMENTERS (WRITTEN COMMENTS):** The Commission received written comments on the proposed rules from: Affiliated Tribes of Northwest Indians, AT&T, Low Income Telecommunications Project (LITE), NorMed, Northwestern Mutual Financial Network, Public Counsel Section of the Attorney General of Washington, Qwest Corporation, Senior Rights Assistance; Seattle Telecom Consortium, Sprint, Tana Johnson, Telephone Ratepayers for Cost-Based and

Equitable Rates (TRACER), Verizon, Washington Independent Telephone Association (WITA), Washington Protection and Advocacy System, Washington State Military Department, and the Welfare Rights Organizing Coalition.

13 **RULEMAKING HEARING**: The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on July 26, 2002, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie. The Commission heard oral comments from: Andrea Abrahamson, representing Washington Protection and Advocacy System; Robert Cromwell, representing Public Counsel Section of the Office of Attorney General; Richard Finnigan, representing Washington Independent Telephone Association and others; Joan Gage, representing Verizon; Theresa Jensen, representing Qwest Corporation; Greg Kopta, representing AT&T; Jean Mathison, representing Senior Services; Tracey Rascon, representing Affiliated Tribes of Northwest Indians; Sandra Ripley, Seattle Telecom Consortium; and Robert Snyder, representing Whidbey Telephone and several other rural incumbent local exchange carriers.

14 **SUGGESTIONS FOR CHANGE THAT ARE ACCEPTED OR REJECTED:** In this section the Commission responds to comments made on the proposed rules. We received hundreds of pages of comments from a large number of commenters, including telecommunications companies, consumer advocates, and others.

15 The material is organized by rule number. For ease of description, commenters are identified by categories of participants, i.e., companies, consumer advocates, or others. At times, the distinction between local service providers and long-distance (interexchange) providers and the distinctions between incumbent and competitive providers are important, and commenters are identified by type of provider. In each response we indicate whether we made a change in the

adopted rules based upon the comment, or whether we adhered to the language in the proposed rule.

WAC 480-120-015 – Exemptions from rules in chapter 480-120 WAC.

16 In subsection (2) we clarified that companies may allege that force majeure was the factor leading to a request for a waiver. We added this to the rule in response to more general comments about the effects of force majeure events on the ability of companies to meet standards contained in other sections.

WAC 480-120-021 – Definitions

17 Companies stated that the definition of "held order" as proposed is inconsistent with industry use of the term. They suggested an alternative that ties the lack of completion of an order to the unavailability of facilities, or suggested we choose another term. We have chosen another term, one suggested by companies, and retained the definition but apply it to the term "Missed commitment."

18 Throughout the rulemaking, companies requested that we expand the definition of "force majeure" to include more circumstances that would qualify as force majeure event. We adhere to the proposed definition because our intention is to limit this exception for not meeting certain standards to circumstances that cannot be anticipated or controlled. We did not, for example, included delays in shipping in the definition because companies can compensate this through planning and inventory. As noted below, we did alter the proposed rules to include force majeure as an acceptable reason for not meeting one of the standards in WAC 480-120-105.

19 Companies suggested an addition to the definition of "residential service" to include service not used for business purposes. They wanted to make clear that businesses operating households are required to pay business service rates. We disagree that this suggestion would clarify the definition and we decline to make

a change. Companies have authority under existing rules and these newly adopted rules to determine if someone paying for household service is operating a business with the telephone and to charge the customer accordingly.

20 Companies state that the meaning of part (c) of the definition of "telecommunications –related products and services" is confusing. They suggest that it could include network equipment but that such a meaning, in their opinion, would not make sense in light of the term's usage in the proposed customer information rules. They recommend substituting "customer premise equipment" (CPE). We decline to make the change suggested by companies because part (c) of the definition is essentially the definition of CPE found in the Telecommunications Act, and is therefore more descriptive than the insertion of the term.

WAC 480-120-061 – Refusing service.

21 Companies requested changes to section 480-120-061 to include permitting companies to refuse, suspend, or cancel service without notice in the event of excessive network usage that is determined to be fraudulent. We decline to make the change in 480-120-061 because in the adopted rules we already include language that permits companies to discontinue service without notice if a customer has tampered with company property, has an illegal connection, is unlawfully using service or using service for an unlawful purpose, or is obtaining service in a false or deceptive manner.

22 Companies suggested the language of proposed 480-120-061 was confusing with respect to the circumstances under which a company could refuse service. The proposed rule was revised to change the format and eliminate confusion, but the substance remains essentially what it was when proposed.

23 Companies suggested that there may not be five pieces of identification that can be used to substantiate the identity of customers, and that a list of four would be

sufficient. We have changed the rule and require companies offer four ways for customers to substantiate their identity. We note that consumer advocates asked us to preclude companies from requiring a social security number or card to establish identity. We did not alter the rule because customers will be able to choose from four choices of identification. A customer who does not wish to provide a social security number or card will not be required to do so.

24 Companies criticize as vague the portion of 480-120-061 that permits companies to discontinue service without notice when one person at a premise has an unpaid, prior obligation and another person living in that premise helped avoid payment. The companies further complain that it may be impossible to show cooperation. We disagree. The company must show that the person in whose name service is now provided cooperated with the prior customer with the intent to avoid payment. It is important that people be able to obtain telephone service, and not have it discontinued without notice, even if there is a person living in the home who owes money to the company. We have revised this rule from what was proposed, but maintain that more is needed to deny service than the mere presence of someone with an overdue or unpaid obligation.

25 Companies suggest that the minimum repayment period of six months is too long when the overdue amount is less than one hundred dollars. The six-month repayment period has been the standard for years and we have not had presented to us evidence that indicates it is either too long or too short. Neither companies nor consumer advocates supplied any actual data about repayments. Neither demonstrated any inconvenience or hardship that results from this standard.

26 Companies have stated that the requirement in the proposed rule to not withhold or release telephone numbers when customers change providers is problematic because numbers can be used only within one rate center. We have changed the rule to acknowledge this limitation.

27 Competitive companies have expressed a concern that 480-120-061 does not limit specifically their obligation to build facilities if service is requested in a location where they do not serve. That is correct; that obligation is addressed in statute and not in this rule. Whatever obligation there is in statute, it is neither expanded nor limited by this rule with respect to construction of facilities by competitive carriers.

28 Companies would like us to remove the limitation on denying one class of service because of an overdue or unpaid obligation for another class of service. We decline to change the rule. A customer that experiences, for example, a bankruptcy in business that results in unpaid bills for telephone service, should not face the inability to obtain residential service. Similarly, a person associated with an unpaid residential obligation resulting from an acrimonious dissolution, should not be faced with the inability to obtain business service.

29 Consumer advocates have requested we include in this rule a requirement that companies maintain records of applications for service that are denied. Because the rule already requires companies to maintain records of applications, we believe this is addressed and decline to alter the rule.

30 Companies requested that the requirement to obtain rights of way, easements and permits be modified by inclusion of the word necessary. We have modified the requirements placed on both customers and companies so that each is responsible for obtaining only that which is necessary.

WAC 480-120-102 – Service offered.

31 Consumer advocates have requested that we include a requirement that companies offer local measured service in addition to flat-rate service. Advocates believe such a requirement would be beneficial to low-income customers who use their telephone very sparingly. State law requires companies to offer flat-rate service, but does not require local measured service. Many

companies, however, offer local measured service. We do not believe a case has been made for compelling companies to offer this service and decline to change the rule.

WAC 480-120-103 – Application for service.

32 Companies suggested that section 103(3) should be made more flexible by adding "if requested by the customer" to the requirement that companies offer each customer a service appointment that falls within a four hour period. Throughout the rulemaking, companies have argued against the requirement to provide appointments with four-hour windows. We rejected the idea of placing the burden on the customer to know what could be requested, and then request an appointment within a four-hour window. We have chosen instead to require companies to offer the four-hour window. We consider the four-hour window to be consistent with practices in other service industries where household visits are necessary.

33 Companies suggested that language be inserted to the effect that company obligations begin when an application is accepted. We have declined to make this change because it would turn common carriage on its head. It is the obligation of companies to serve applicants in the absence of a reason not to do so. We have supplied in these rules a list of reasons that permit companies not to serve, and many reasons that would permit companies to discontinue service without notice. We also adopt substantial provisions for the collection of deposits and allow local service to be paid in advance. No company demonstrated that it is experiencing difficulties. Finally, more than ninety-five percent of local service is provided by monopoly, rate-of-return companies that may recover bad debt as an expense in rate cases.

34 Companies have asked us to modify the calculation of the order date as it applies to service extensions. Companies have up to eighteen months to install a service extension pursuant to WAC 480-120-071. Some applicants have reported the

experience of companies not billing them for the extension under 071 and then suggesting that the applicant has not actually ordered the extension because the applicant has not paid (the unsent bill). Under the provision in this rule, the order date is either the date the company is contacted by the applicant or six weeks before the applicant pays the first installment for service, whichever is later. The rule requires companies to inform applicants for extensions within six weeks of the request for service if the company will construct the extension or seek a waiver from the Commission that would permit the company not to construct the extension. Taken together, the rule provides companies six weeks to make the evaluation and then requires the company either to bill the applicant or to inform the applicant that it will not construct until a commission determination. The alternative suggested would increase the eighteen months to nineteen and one-half months. We continue to believe eighteen months is sufficient time for all activities related to extensions and decline to alter this section.

35 Consumer advocates have requested that we alter the proposed rule to require companies that solicit the business of a consumer to accept that person as a customer if the person accepts the solicitation. We have altered the rule to require companies to process the application of a person who is solicited. Companies may ultimately refuse service if the person does not meet the requirements of this section.

36 Consumer advocates have requested that we include language in this section that requires the processing of applications without discrimination based on nationality, race, gender, marital status, age, income, or address. We decline to make such a change because other statues and rules address discrimination based on some or all of these factors.

WAC 480-120-104 – Information to consumers.

37 Companies have requested that we eliminate the requirement to send a welcome letter, or, if the welcome letter requirement is retained, to eliminate the requirement to include the rate for service in the welcome letter. Welcome letters are quite common in the industry today, and our consumer affairs Staff informs us that one of the largest categories of complaints results from disagreements between customers and companies over rates. We have included the welcome letter requirement because it is common and because, with rates included, it will assist customers in understanding their rates when service has begun and when action can be taken before bills greatly exceed their expectations. We note also that price is one of the basic elements of contract.[1]

38 Companies have stated that interexchange carriers (IXCs) that offer international service will have to provide a complete list of country charges. As with any other service, price is an essential element of contract with respect to international calls; company representatives must have this country-by-country information and it can be provided to customers.

39 Consumer advocates comment that the better policy in this rule as it relates to general consumer information about service is that such information should be required in the welcome letters well as the telephone directory. We disagree and decline to make a change. We decline to require the welcome letter to state in detail everything that can be found in the directory. It is possible that too much information obscures the most important information. A voluminous welcome letter could detract form its main purposes--to make sure customers know the services for which they will be charged and the rates for those services. It is

[1] At least one comment suggested that our Small Business Economic Impact Statement (SBEIS) was inaccurate with respect to this section. We note that in an SBEIS process that spanned months and included multiple requests for comments, not one company out of more than 500 registered in Washington commented on this section. Indeed, we received two comments in the entire SBEIS process, one from a company that provides data base management for E911 purposes, and one from a large telecommunications company.

confusion about these elements of the relationship that has caused many customers to contact our consumer affairs section. As discussed below, some information must be listed in both places, but not all.

40 Consumer advocates have also suggested the rule be revised to include information about customer credits and repair and service requirements. Because we have withdrawn two credit rules, these references to them would now be inappropriate. The rule intended to correct overcharges, requiring pro-rata credits, is a requirement placed on companies and they must correct their overcharges without prompting by customers. It is not necessary to add this to the welcome letter and detract from the purpose discussed above.

41 Companies have requested that we not require the welcome letter to contain the TTY number for customers with hearing problems. We decline to remove that requirement. We think this is a reasonable accommodation for those who need the service provided through TTY.

42 Companies have stated that providing telephone numbers for service and business offices and the hours when calls will be answered is unnecessary because that information is in the directory. While it is true that this information is in the directory, it does not necessarily follow that the same information should not be repeated in the welcome letter and notices of changes in service. We think contact information is basic and that repetition will assist customers more than it could possibly be problematic for companies. We decline to make a change on this matter.

43 Companies have stated that the requirement to send the welcome letter within ten business days is too short. Suggestions for fifteen and thirty days have been made as a replacement. We have changed the rule and replaced ten business days with fifteen days.

44 Companies have requested we remove subsection (1)(c) that requires local exchange companies (LECs) to include in the welcome letter the name of the customer's presubscribed IXC carrier. We agree with the companies that this is an obligation that could often not be met and we have removed that section from the adopted rules.

45 Companies have asked us to qualify the type of service for which notice of a change in service must be provided to customers. We think the reasonable result is that customers receive notice of material changes only and we have changed the rule to reflect this.

46 Consumer advocates have requested that we require companies to include in the welcome letter the toll-free telephone number for the customer's presubscribed long distance carrier. We decline to make this change because with the name of the presubscribed carrier, the customer can determine the carrier's telephone number if the customer does not already have that information.

WAC 480-120-105 – Company performance standards for installation or activation of access lines.

47 Companies commented that section 105(2) is complex and unworkable, that it is contrary to the commission's practice of basing penalties on the totality of circumstances, that it could lead to a "tripling-up" of penalties, and it suggests that when there is more than one order that was not installed as required, the Commission will not know which order was the one that resulted in the company exceeding the allowable number of missed commitments for each period. We disagree because the subsection is not a penalty section; it merely explains how violations will be determined. It does not require that violations be found, or that penalties be assessed. If penalties are assessed, the subsection does not require a penalty assessment for every violation.

48 Some violations of the monthly standard, if not rectified, could also result in violations of the calendar-quarter standard and the one-hundred-eighty-day standard. There are three standards and it is possible that one missed order, if not fulfilled for more than 180 days, could contribute to a determination of a violation of all three standards.

49 If a sufficient number of missed commitments in a given period result in the standard not being met, it is not necessary to determine which commitment or commitments resulted in the standard being violated. We decline to make changes based on the comments.

50 Companies requested that we include force majeure in the list of exceptions in subsection (3). We have provided an exception for force majeure with respect to the monthly standard because a force majeure event could inhibit efforts to comply with the standard for the shortest period of the three, but decline to extend it to the calendar-quarter and one-hundred-eighty-day standards. In the event a company experiences a difficulty due to force majeure that would prevent it from meeting these standard, it may ask for an exemption under WAC 480-120-015.

51 We have included, as requested by companies, a statement that the standards do not apply if an applicant has not met its (the applicant's) obligations.

52 Consumer advocates oppose the change from the current measurement of installation and activity at the exchange level to measurement of that activity at the statewide level. They argue this is a reduction in the standard. We proposed, and now adopt, the change but we do not believe it will reduce the quality of service that will be provided around the state. We have the ability to review the activities of companies on an exchange basis if we have an indication that disparities among regions or types of exchanges (e.g., rural vs. urban) have arisen. While we have withdrawn the section that provided credits to customers

for late installation or activation service, we retain the reporting requirement so that we can monitor this activity.

53 Companies have requested that we modify the requirement for completion of *all* orders for access lines within one hundred and eighty days to be for completion of orders of up to five access lines. We have chosen to differentiate between the one-month and calendar-quarter standards, which concern only orders up to five access lines, and the one-hundred-and-eighty-day standard for *all* access line orders. The public interest will be served by having a minimum standard upon which applicants and customers can rely. We decline to make the requested change. Indeed, we have gone further and altered the proposed rule that did not apply this one-hundred-and-eighty-day standard to competitive local exchange carries and adopted a rule that applies the same minimum standard to those companies. In doing so, we satisfy the request of incumbent carriers that requested the standard apply to all local exchange companies. We do not apply the one-month and calendar-quarter standards to competitive companies because their need to coordinate with incumbents limits their ability to meet the shorter deadlines in some instances.

54 Companies have requested that we modify the requirements of subsection (1) to exclude circumstances where the company technician arrives at a premise prepared to install service and the customer is not present. While we decline to alter this section, we have altered the reporting requirement pertaining to this standard to accommodate the expressed concern. There, we have provided for alternative measures under some circumstances.

<u>WAC 480-120-107 – Installation and activation credits.</u>

55 Companies state that the Commission should not adopt proposed section 107 and force companies to alter tariffs to include a credit. The Commission has withdrawn proposed section 107.

WAC 480-120-108 – Missed Appointment credits.

56 Companies state that the Commission should not adopt proposed section 108 and force the company to alter tariffs to include a credit. The Commission has withdrawn proposed section 108.

WAC 480-120-112 – Company performance for orders for non-basic service.

57 Companies have requested that we eliminate this rule or modify it, stating that the Commission should not regulate non-basic services. The purpose for this rule is to set a minimum standard for service from all local exchange companies. Because of the importance of telecommunications to commerce and society, a minimum performance standard is appropriate. We have revised this rule so that it also applies to competitively classified carriers, as requested by incumbents.

58 Companies have asked that we re-state in this rule what we have stated in section 103--that companies may refuse applications when an applicant has not complied with tariffs, price lists, or Commission rules. We decline to make an unnecessary re-statement when it is clear section 103 applies.

WAC 480-120-122 – Establishing credit - - residential services.

59 Companies request a change to proposed subsection 122(6) to include interchange (toll) service along with ancillary services. Such a change would not permit customers to pay a deposit in installments. Companies have not provided any support for their apparent concern that toll customers given the opportunity to pay a deposit in installments are more likely to be delinquent than those that pay a deposit in a lump sum. We address deposits for interexchange service in subsection (3) and maintain the long-standing practice

of requiring companies to permit customers to pay the deposit in installments. We decline to make the suggested change.

60 Consumer advocates oppose this rule because it permits the use of credit reports for determinations of customer credit-worthiness with respect to long distance (toll) service and ancillary services (features such as call forwarding, voice messaging). Companies would have us extend the use of credit histories to local service. While rewritten for clarity, we decline to change this section with respect to the substance as it relates to customer credit determinations.

61 We treat local service differently from the other services because it is an essential service for maintaining health and safety, and so that citizens can participate in their communities as employees, job seekers, parents, and family members. We accept the assertion, based on at least one cited study, that show individuals pay for local telephone service even while defaulting on other obligations, and for that reason do not believe a general credit history is indicative of whether a customer will pay for local service. We permit companies to require a deposit for local service only if the customer has a history of defaulting on local service payments.

62 We distinguish between local and long distance primarily because there are many alternate means to gain access to long distance services. A customer that cannot afford a long distance deposit may, for example, purchase a telephone calling card at a convenience or grocery store. We distinguish between local service and ancillary service because one is a necessary component of daily life and the others are adjuncts that are not essential and because the maximum deposit amount for an ancillary service is in the range of eight to twelve dollars, an amount that should not hinder a customer that feels an ancillary service is necessary to him or her.

63 Part of each side's argument on this issue is the reliability, or lack thereof, of the information in credit history reports. Credit reporting is governed extensively

under laws that are not administered by this Commission. We are not in a position to make determinations about the reliability of credit reports. Nor are we in a position to state that what is a generally accepted commercial practice should not be available to companies, absent a showing of a specific reason not to permit the use of credits reports. As stated above, we think that reasons exist with respect to local service, but not with respect to other services.

64 Consumer advocates suggest that a two-tiered system for deposit determination will be confusing to consumers. Our response is that the world is often much more complicated that our two-track approach to credit determination and that customers are not so easily confused as some suggest.

65 Consumer advocates also state that we do not have a record that supports the change. This issue was one of the most hotly contested by consumer and company advocates and we received considerable oral and written comment and material in support of each position throughout three-plus years of rulemaking. In general, we are inclined to provide opportunities for companies to use automated systems to protect themselves against credit risks to the extent that their efforts would not unnecessarily result in the inability of some customers to subscribe to local service. We consider this a reasonable policy.

66 Consumer advocates requested that we not permit local exchange companies to require deposits for local service for customers enrolled in the Washington Telephone Assistance Plan (WTAP) or the federal Enhanced Tribal Lifeline Program. Advocates argue that a deposit is a significant barrier to low-income households. We decline to make the change because the deposit amount for local service is capped at two-months. For WTAP customers, this currently amounts to eight dollars. We think that amount strikes a balance between the need to protect companies from credit risk and a deposit requirement for low-income customers that is not insurmountable.

WAC 480-120-123 – Establishing credit - - business services.

67 Companies have requested that subsection (1) be altered to remove the requirement to place in a tariff or price list the criteria used for determining the credit worthiness of a business applicant. Companies inform us that this information is not currently included in tariffs or price lists. We have changed the adopted rule.

68 Companies have asked for clarification on the application of subsection (3) and have proposed specific changes. We have made the requested changes to promote clarity.

WAC 480-120-128 – Deposit administration.

69 Companies requested thirty days, rather than the proposed fifteen days, to return a deposit. They state that more time is necessary to determine the final balance when service has been terminated and to process the final payment. We consider the change reasonable and have made the change.

WAC 480-120-133 – Response time for calls to business office or repair center during regular business hours.

70 Companies requested that we establish an answer-time standard for business and service calls at the monthly rather than weekly level. We understand monthly measurements to be the norm. We have changed section 133 and the adopted rule contains a monthly standard.

71 Companies have requested that this standard apply during regular business hours. We have changed the proposed rule so that it applies only to regular business hours.

72 Companies requested that we alter (2)(b) to include, as an alternative to providing a customer with a method to reach a live operator, that the result of listening to the entire message would be that a customer is transferred automatically. We have made that change and, in addition, we have increased the amount of time when a message must offer a way to reach an operator or make the automatic transfer from thirty seconds to sixty seconds. Sixty seconds is a reasonable, though not desirable, time for a customer to wait.

WAC 480-120-146 – Changing service providers from one local exchange company to another.

73 Incumbent companies have requested the deletion of this rule and have suggested it approaches a complex set of circumstances in a manner that is too simple. The rule is designed to stem the growth of complaints by customers who are changing from one provider to another, with the result that one company discontinues service before the new company provides service. Incumbents state there are a number of circumstances in which this rule will be unworkable: when the new provider will be using the current provider's loop; when there are three companies involved, one providing the loop to a competitor and another competitor to whom the customer is migrating using the same loop; and when the new provider has no relationship to the current provider.

74 We have made changes to the rule, but decline to change it from one that addresses the issue generally, to one that addresses every possible variation in the process of moving a customer from one company to another. The alteration we make is to state that the rule does not apply when the customer submits a request for discontinuation of service directly to the customer's local exchange provider. The result is that when companies are cooperating to move a customer from one company to another, the company losing the customer must not discontinue service until informed by the other company that it has activated service. We expect companies to cooperate to serve customers, including

entering into agreements when necessary to determine respective responsibilities in the transfer of service.

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

75 Companies indicate that the language in subsection (1)(b) is too restrictive and limits the methods for electronic verification of changes in carriers. In response to comments and subsequent discussions of the topic, we have changed this subsection to permit greater flexibility in confirming the change.

76 Companies also requested a change of reference from interstate preferred carrier to interLATA preferred carrier. We have made that change because it is consistent with applicable law.

77 Companies requested that the reference to "sales" in (1)(b) be changed to a reference to preferred carrier change. Such a change would promote accuracy. We have made the change in the adopted rule.

78 Companies suggested that the phrase "and provided to" be eliminated in (4)(a). Such a change would promote accuracy and readability. We have made the change.

79 Companies have stated that providing rates for each vertical service may be difficult. Once again, we note that price (a calculation based on a rate multiplied by the application of that rate, e.g., number of minutes) is a fundamental element in contract and we decline to change our proposed rule to permit customers to be billed for services for which no calculation of price is stated on the bill.

80 Competitive companies have requested that we address this rule in a separate proceeding for the purpose of examining the need for local PIC[2] freezes. This issue has been the subject of recent litigation before the Commission. We are satisfied that we understand fully the issues and that we are consistent in the rule with our other proceedings on this topic. We decline to withdraw this rule and decline a separate proceeding at this time.

81 Consumer advocates praised the language in this section that requires letters of agency and related material to be entirely in one language, whether English or another language. They have requested that we adopt in a variety of locations a similar requirement that if a solicitation or other activity is provided in a language other than English, then all subsequent communications with a customer that accepts that solicitation be in the language of the original solicitation. We decline to do so. The letter of agency is different from a solicitation; it is a legal document and it is important that any customer presented with such a document have the opportunity to understand the entire contents. With respect to other materials, we think the better course is for competition to drive companies to accommodate the needs of would-be customers.

WAC 480-120-161 – Form of bills.

82 Companies requested that we remove the long-standing requirement that permits customers to ask to be placed in a billing cycle that accommodates the time of each month when they receive income. We reject this request because no company indicated how this long-standing provision has caused any harm and because consumer advocates stated that it is beneficial.

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[2] PIC is an acronym for presubscribed interexchange carrier. It is an acronym that more properly applies to long distance (interexchange) service, but is used routinely by companies and regulators in the phrase "local PIC freeze" to mean a notation that a customer's local service may not be switched at the request of a new provider without direct contact from the customer to the existing provider indicating the change is desired.

83 Companies requested that we eliminate the provision that permits customers an amount of time to pay late-provided bills equal to the time the company delayed billing. Companies suggest the delay may sometimes be caused by the customer providing incorrect billing information and that companies might be delayed because of a regulatory investigation. No detail was provided that suggested a large number of delayed bills are caused by either customers or regulatory investigations. Delayed bills may be unexpected bills and additional time may be needed for customers to make unanticipated outlays. On balance, we think the fair general rule is to give customers the same period of time to pay a delayed bill as it took the company to provide the bill.

84 Companies have also expressed a concern for circumstances when the delayed billing is the result of a third party, such as a long distance provider whose calls are billed through the local service provider. In the event a third party does not perform in the manner agreed to and the result is a delayed bill and costs for accommodating a customer, then the company's problem is not with the customer but with the third party. We decline to make changes to the rule that would inconvenience customers when problems are caused by third parties. If the level of difficulty experienced by any company is more than occasional, then the appropriate response is to address it systemically. Companies, customers, and even third parties will be better off when bills are not delayed.

85 Companies suggested that subsection (4) be changed to avoid any difficulties where the service is supplied to someone other than the customer. We have made a change to accommodate this concern. We retain a requirement that the company provide the service in order to avoid circumstances where a customer is billed for a requested service that is not actually provided.

<u>WAC 480-120-162 – Cash and urgent payments.</u>

86 Companies requested the authority to charge fees to customers who pay in-person at payment agencies. Companies stated it is difficult to find and retain

payment agents. Some history is important to understanding our action on this rule.

87 Over the past twenty years we have permitted companies to reduce the number of payment agents and offices from one or more in every exchange to a handful. This coincided with the changes in telecommunications that, among other things, permitted customers to purchase their own telephones from a myriad of vendors. There is no longer a reason to maintain such a presence in each community, and companies and customers have benefited from the efficiencies that have resulted.

88 At the same time, there is a segment of the population that cannot afford the services of a bank or chooses to pay in cash for other reasons. Collecting payments has always been a part of doing business, and for an essential service such as telecommunications it is important to accommodate every sector of society. Also, companies have asked us to permit them to substantiate customer identity in some instances before the company must provide service. Payment agents provide convenient locations for customers to present identification in order to obtain service.

89 We have maintained the requirement for companies to provide payment agents at the level that has been in our rules for several years. We have also, however, permitted companies to add additional payment agents that may charge a fee for processing transactions. Nothing prevents companies from compensating payment agents for their services.

90 Companies have stated that finding replacement agents is difficult and that thirty days is insufficient time to locate a replacement. A specific suggestion was made to provide sixty days and to require progress reports to the Commission if a company is unable to locate a replacement in that period. We have accepted the suggestion and altered this subsection as requested.

WAC 480-120-163 – Refunding an overcharge.

91 Companies suggested changes to the language to this rule and stated changes would more accurately reflect the requirements of the statute. We decline to make changes because we believe the rule accurately reflects the requirements of the statute.

WAC 480-120-164 – Pro rata credits.

92 Companies commented that we should not adopt proposed section 164, Pro rata credits. They state this would be unlawful and that it would stifle innovation in customer service programs. The pro-rata credits for failure to provide a service for more than 24 hours when the service is priced on a monthly basis has the effect of prohibiting overcharges for service that is not provided. We do not agree that it is unlawful for us to adopt a rule that prevents overcharges and prescribes the proper method for correcting overcharges. We also disagree that this will prevent innovation in customer service programs. The final sentence of the rule permits companies to provide equal or greater credit than that required by the rule.

WAC 480-120-165 – Customer complaints.

93 Consumer advocates request that we prescribe standards for complaint handling more specific than the requirements in the proposed rule. Among other things, they advocate for a requirement that companies have an information system dedicated to complaint handling. We decline to adopt the more specific requirements or to impose a systems requirement for this purpose. Companies generally keep track of customer activity, whether it is an order for service, an inquiry, a gripe, or a complaint, in one record system. We do not think the expense of a record system dedicated to complaints is warranted when the information is available. It is true that those systems typically are not designed to answer questions such as how many people complained of an incorrectly

billed long distance call for a given month, but to the extent a particular customer has a particular concern, the systems reflect that information and it can be found under the individual name or telephone number.

94 While our rule is not overly specific, it is clear. Companies must have adequate numbers of trained personnel available to assist customers and must make prompt investigations and give prompt responses to customers. Companies must also inform customers that they may ask for a supervisor to review the disposition of their complaint and must be informed of the Commission's address and telephone number.

WAC 480-120-166 – Commission-referred complaints.

95 Companies request that we modify the rule as it relates to retention of records and limit that requirement to complaints where the Commission is involved. Companies state that systems are not necessarily designed to capture complaint data, but that notations are made when customers call and make inquiries, when they register complaints, and for other purposes. The rule does not require production of reports by complaint category. It only requires the retention of records. If companies keep those records by customer and not by category, the requirement is met and, accordingly, we decline to change this requirement.

96 Companies suggested modifying subsection (4) to modify "action" with "collection or enforcement." The proposed rule reflects current practice. We decline to make such a change because it could result, for example, in a company toll restricting a customer when that is the subject of the dispute.

97 Companies have requested that the standard in subsection (8) that requires a response within three days, unless Commission Staff specify a later date, be altered in favor of a requirement that assumes information may not be available within three days in some instances. The three-day standard is the practice to date and one goal of this rulemaking has been to state in rule what has been

unofficial practice. It has also been the practice for Staff to specify a later date when presented with a reasonable statement of company needs for additional time. We favor the more certain standard and expect Staff to specify later dates when presented with reason to do so. We decline to make the requested change.

98 Companies suggested an additional requirement that customer proprietary network information be provided to Commission Staff only after written authorization from the complaining customer. This is addressed in WAC 480-120-205(5) and it is unnecessary to address it in this section.

WAC 480-120-167 – Company responsibility.

99 Companies suggested that the length of time before companies must contact the Commission after conferring is too short. We agree and have changed the period to five days.

100 Companies have stated that this rule may lead to companies without responsibilities to a particular customer to be held accountable for resolution of a customer's concern. This statement misapprehends the rule. The rule arises from the circumstance that many services are provided by two or more companies. The rule is directed at those circumstances where it is unclear which company, or companies, have responsibility for remedying a complaint. The rule does not require a company resolve a complaint for which it is not ultimately responsible; it requires companies to cooperate to the extent necessary to make a determination of responsibility.

WAC 480-120-171 – Discontinuing service—customer requested.

101 There were no comments concerning this section, but we did make changes to conform it to the changes made in WAC 480-120-061, 480-120-172, and 480-120-173. In the proposed rules as well as the adopted rules, those three sections work together with 480-120-171 to describe the circumstances under which service may

be refused, and when and what process must be followed to disconnect service. In the process of reviewing the proposed rules and the comments on them, we concluded that the four sections needed to be revised in order to state more clearly the policies practices related to these subjects. The four sections were rewritten together. To the extent there were policies expressed by the proposed rules, those remained the same in the rewrite except where we determined that as a result of a comment we should make a change. The discussion about comments and changes to the policies related to refusal of service and disconnection of service are found in the sections on WAC 480-120-061, 480-120-172, and 480-120-174.

WAC 480-120-172 – Discontinuing service - - company initiated.

102 Companies expressed uncertainty about the change in the standard related to medical emergencies. The standard had been loss of telephone service that would "significantly endanger the physical health…" and in the proposed rule it was altered to loss of service that would "aggravate an existing medical condition." After review of the two standards, we have altered the adopted rule so that the standard for delaying discontinuation of telephone service in a medical emergency is if the discontinuation would endanger the physical health of a person in the household. We make the change because the proposed standard was concerned with aggravation of a condition but our concern should be with the physical health of the person. We removed "significantly" as a modifier to endangerment because we believe that endangerment is sufficient alone to warrant a reprieve from discontinuation for the short period permitted in the rule.

103 Companies complained that the requirement to attempt to contact customers at business or message telephones in addition to their home number before discontinuation of service is a new requirement and not discussed at workshops. This is not a new requirement. It appears in current rule (WAC 480-120-081(5)(b)). In addition, the requirement appeared in the discussion draft of rules

provided in August 2001, the draft that formed the basis of approximately 20 hours of workshops attended by commissioners. We think this level of effort is reasonable prior to discontinuation of service.

104 Companies have stated that the requirement to reinstate service on the same day a customer informs the company of the existence of a medical emergency could be a difficult standard with which to comply. We disagree because service is discontinued at the switch by throwing a lever or by giving a computer command. Each of these can be undone as rapidly as they can be done. Given the circumstances for which this requirement exists, this is not an unreasonable standard and we decline to make a change.

105 Companies have requested that we alter the rule with respect to discontinuation notices to reflect delivery rather than receipt. Companies state their obligation should be to deliver notices as required by our rules, not to be certain of receipt. We have made changes to reflect this request.

106 Companies have requested that we require the physician to state the name of the person whose physical health would be endangered by discontinuation of telecommunications services. We decline to make the change because we consider it sufficient that the company know that there is a person dwelling in the residence of the customer for whom a physician has stated that discontinuation of service would endanger the physical health of that resident. In the event a company should have reason to suspect it has been misled, it may approach the Commission for an exception to this rule that would permit it to seek more information.

107 Companies requested that we revert to the former standard for payment by customers that claim a medical emergency. The former standard was twenty-five percent of the outstanding balance for local service, or ten dollars, whichever is greater. Our proposed rule had reduced the amount of the balance to be paid

to one-sixth. We have reconsidered the amount and based on previous experience we now consider twenty-five percent to provide a better balance.

108 Companies requested that we establish discontinuation of service intervals after notice based on the type of notice. We require final notice be delivered by hand, by mail, by electronic mail if that has been the method of doing business with the customer, or by telephone before discontinuation can take place. We have revised subsection (8) so that the interval between delivery of final notice and when the company may disconnect varies based upon the manner in which the final notice is delivered. That change will facilitate payment rather than disconnection, presumably the goal of both companies and customers.

109 Consumer advocates oppose permitting companies to discontinue service without notice when a customer defaults on a payment agreement (this provision originally appeared in proposed WAC 480-120-061, but is now found in this section). They argue this presents a public health and safety concern. What is proposed, however, could result in an endless series of defaults, notices, agreements and subsequent defaults. We decline to change the proposed rule because a customer in these circumstances has received notice and understands the obligation to pay for the service.

110 Consumer advocates have requested that companies be required to include in notices of discontinuation the TTY number. A TTY number connects a hearing impaired person with translation services. We consider it reasonable to require the inclusion of the TTY number in discontinuation notices because what is at stake is a basic service, and have made a change in the adopted rules to reflect our position.

111 Companies have requested that we alter the requirement to offer a four-hour window for a premise visit to require a four-hour window for a premise visit only if the customer requests one. We have addressed this issue in the context of

other sections and for the same reasons stated above we decline to make the requested change.

WAC 480-120-173 – Restoring service after discontinuation.

112 Companies have requested that the rule be changed as it applies to persons who have obtained service through deceptive means. The proposed rule permitted companies to discontinue service without notice upon discovering a person had obtained service through a deceptive practice, but it also required companies to restore service if the person paid the full cost of the service obtained by deceptive means. Under the proposed rules, companies could refuse to restore service after a person obtained service a second time through deceptive means. Companies complained that once someone has used deception and been disconnected the company should not have to restore service. We decline to make a change. Telephone service is a basic service and it is important that it be reasonably available. We think it is reasonable that a person found to have used deception be permitted one opportunity to make the company whole and obtain service in the correct manner. It is also reasonable not to require restoration of service if the person acts deceptively twice.

113 This section, like others, requires companies to offer to schedule a service appointment within a four-hour window. Companies have requested changes to this requirement that would place the burden on the customer to ask for an appointment within a four-hour window. We have addressed this issue earlier in this order and decline to make the requested change in this section for the same reasons we have declined to make the change elsewhere.

WAC 480-120-251 – Directory service.

114 Companies indicated that this rule as proposed addresses cellular telephone numbers but not the larger category of services that can be offered by a commercial mobile radio service company (or a radio communications service

company). We have altered the rule to address this concern. The rule now requires companies that must publish directories to publish all subscriber list information provided to them by any type of service provider.

115 Consumer advocates have requested changes to subsection (6), which requires certain information be placed in telephone directories. Our proposed rule would have had the information appear in either a welcome letter or in a directory. We have revised the rule to require inclusion in the directory whether or not the information appears in a welcome letter because directories are used by people who may not be in possession of a welcome letter. This change assures any user of a directory can obtain the basic information to which all customers should have ready access.

WAC 480-120-252 – Intercept service.

116 Competitive companies state they may find it difficult to meet the requirements of this rule because in some circumstances the activities that must be undertaken to meet the requirements can only be taken by the incumbent, not by the competitor that leases elements or resells service. It is true that some of the required activities might be under the control of the incumbent when the requirement is placed upon the competitor, but this is not sufficient reason to rewrite the rule. The nature of leasing and resale is that companies must cooperate to provide service to customers. We decline to reduce protections for customers because that is an inappropriate response to companies that sometime have difficulties cooperating. Those difficulties should be addressed through carrier-to-carrier rules and interconnection agreements.

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

117 Companies have requested that the earliest time at which an automatic dialing and announcing device may be used should be changed from 8:30 a.m. to 8:00

a.m. in order to be consistent with FCC rules. We have made the requested change.

WAC 480-120-254 – Telephone solicitation.

118 Companies have asked us to change the rule to require telemarketers to identify themselves promptly, rather than within the first thirty seconds. Identifications within the first thirty seconds is required by statute. We decline to make the change. We do, however, make another requested change and have inserted in the identification requirement the language from the statute requiring identification of the company or organization on whose behalf the solicitation is made.

119 We have also made some editorial changes to reflect earlier discussions concerning the clarity of earlier drafts of this rule that appeared prior to publication of the proposed rule. We decline to pursue changes based on the general comments that certain federal laws and rules address solicitation. This rule implements a specific state statute.

WAC 480-120-255 - Information delivery service.

120 Companies have requested that we alter this rule and parrot the federal standard adopted in 1991. The standard that is claimed to be at odds with the federal standard has been the standard in Washington for many years. We have not been informed of any specific problems during the time the state and federal standards have co-existed, and while they may be different no company has claimed that there is a conflict as that term is used in preemption jurisprudence. Accordingly, we decline to alter the proposed rule.

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

121 Companies have suggested a change to the definition of operator service provider and stated the suggestion would make the definition more complete. We consider the definition to be complete and decline to make the change.

122 Companies suggested there is an inconsistency in the use of "rates" and "charges" in subsection (4). We do not agree there is an inconsistency and decline to make any change.

123 Companies requested that we not adopt the requirement for rate quotes by operator service providers when the total cost of a call exceeds a benchmark rate. Companies suggest this is "back door" rate regulation, and complain that the benchmarks are unworkable and inconsistent with previous findings that operator services are competitive. Companies also stated that the proposed rule would increase costs, and at least one indicated it might exit this line of business.

124 We have changed the benchmark rates subsection to make the standard easier to apply in every type of calling circumstance, e.g., collect, third-number billed, and person-to-person. This addresses the concerns raised that a benchmark tied to the length of a call would mean that some types of calls would fall inside the benchmark, and other types, collect for example, might not. We have adopted a revised standard that can be applied to all types of calls and calls of any length.

125 Consumer complaints concerning outrageous charges for operator service calls is one of our most commonly received complaints. Customers experience shock and outrage when per-minute rates range as high as $10.00. The shock and outrage are both due to reasonable customer expectation based on rates advertised for most types of calls in the range of four to fifteen cents per minute.

126 Our adopted rule requires a rate quote when the call exceeds, for any duration of the call, the sum of fifty cents ($0.50) multiplied by the duration of the call in

minutes plus fifty cents ($0.50). The rule does not establish a rate. It may be that information about the cost of calls will affect the rates charged, but that is not the same as rate regulation.

127 The requirement to inform customers of the cost in advance of completing a call is not inconsistent with our past determinations that operator services are competitive. It is an indication that one of the benefits that should result from competition has not been realized—customers are not receiving information that will let them operate in their self-interest in the marketplace. Required disclosure of rates is consistent with the promotion of competition.

128 We do not dispute that providing rate quotes could increase costs, but that cost must be balanced with the benefit of providing information to customers.

WAC 480-120-263 – Pay phone service providers (PSPs).

129 Companies have provided only general comments that we have been too prescriptive with respect to the regulation of payphones. There was no specific request for a specific change, and we decline to make any. We have substantial experience with payphone complaints and believe the prescriptive rules are warranted.

130 We have made an editorial change, removing a misplaced definition from the beginning of the section.

WAC 480-120-302 – Accounting requirements for competitively classified companies.

131 Companies suggest that adopting the FCC's Part 32 rules that were published in 1998 as the standard for accounting for certain expenses is choosing an out-dated standard. The FCC has taken a deregulatory approach to accounting in the last few years because it can, among other things, depend on states to regulate rates.

The most recent FCC accounting rules that require the information the Commission will need in the event of a rate case concerning the expenses treated in Part 32 are the accounting standards published in 1998. We decline to change this rule and adopt the standard we need to carry out our statutory obligations.

132 Companies have also requested that they be permitted to make changes to the uniform system of accounts that have an annual revenue effect of less than one percent or $1 million dollars. We decline to make such a change because over time this could amount to considerable changes in revenue and because current events have underscored the correctness of our position that regulatory agencies must continue to monitor accounting practices.

WAC 480-120-311 – Access charge and universal service reporting.

133 Companies stated that this rule will increase regulatory burdens with no public benefit, that it is tied to an invalidated rule, that the information sought is not related to universal service, and that we seek assurances on the use of certain federal universal service funds for which the FCC does not require certification. We disagree on all points.

134 The adopted rule requires that companies provide information about access service. These rates are used to provide support for universal service. Making provisions for support of universal service is an obligation of the Commission under state and federal law. The validity or invalidity of WAC 480-120-540 does not negate the existence of many tariffs that authorize access charges for the purpose of supporting universal service. The information sought is directly related to universal service.

135 The rule also requires annual certification of the use of all federal universal service funds. This rule replaces an Order that required the annual certification; we understand the APA to have a preference for rules over Orders when a requirement is generally or broadly applicable. While it is the case that the

federal rule does not put all federal universal service funds at risk if the certification is not timely made, it is also true that the federal rule requires the state to certify that *all* federal universal service funds, even those not at risk, are used only for the intended purposes. *See 47 U.S.C. § 254(e) and 47 C.F.R. 54.314(a).*

WAC 480-120-312 – Universal service cost recovery authorization.

136 The Washington Telecommunications Ratepayers Association for Cost-based and Equitable Rates (TRACER) commented on June 26, 2002, that it considered section 312 to be vague and in violation of RCW 80.36.600, 610, and 620. The Commission received substantially the same comments on September 4, 2002, in a letter from Senator Timothy Sheldon, Representative Jeff Morris, and Representative Larry Crouse. At the request of TRACER and Public Counsel, the Commission held an additional workshop on this rule on November 1, 2002.

137 The Commission disagrees with TRACER's reading of the law. In enacting the statutes cited by TRACER, the Legislature recognized and carefully protected the Commission's existing authority to protect universal service through the rate-setting process. In the absence of a state universal service fund, which all agree is outside the Commission's statutory authority, the Commission is allowed and expected to set the rates of individual companies in a way that promotes competition, universal service, and the public interest generally. RCW 80.36.300. TRACER's arguments, if accepted, would implicate not just the proposed section 312 but also the existing tariffs of approximately 25 local exchange companies. These companies are serving hundreds of thousands of customers in small towns and rural areas of the state, and there is no reason to believe that the Legislature ever intended those customers to pay higher local rates when they enacted RCW 80.36.600 et seq. The mechanism described in proposed section 312 is one that the Commission is authorized to implement and operate.

138 While we disagree with TRACER's analysis of the law, the question remains whether this proposed rule should be adopted. As some commenters have noted, the rule is explanatory only. It describes an allowable way of recovering a company's costs of serving customers in high-cost locations, but it does not confer any new authority on either companies or the Commission. Indeed, this is demonstrated by the fact that so many companies are already collecting their high-cost amounts in this fashion.

139 The Commission proposed section 312 because the state Administrative Procedure Act and Governor Locke's Executive Order 97-02 encourage state agencies to codify in rule existing informal policies or practices. Today telephone companies are collecting a substantial amount of money for service to high-cost areas with no formal explanation of how the specific amounts are calculated. However, in written comments and at the November 1, 2002, workshop, local exchange companies expressed no support for adoption of the rule. The lack of favorable response from the intended beneficiaries suggests that the explanation in the proposed rule is unnecessary. It thus would appear that the proposal has generated more heat than light, and we will not adopt section 312 at this time.

WAC 480-120-323 – Washington Exchange Carrier Association (WECA).

140 As a result of our own reexamination of this rule, we revised subsection (3)(a) and added price lists and contracts. This expands a list of several items that members of WECA may file directly with the Commission. The result is greater flexibility for member companies.

WAC 480-120-401 – Network performance standards.

141 Companies have suggested the rule be modified by inclusion of the modifier "average" before "busy season." This is the industry standard and we have made the change in the adopted rule.

WAC 480-120-412 – Major outages.

142 Companies have suggested that the expectations for repair of major outages in subsection (4) are arbitrary or too short. We disagree. In this rule we make a departure from our over-all effort made in these rules to change existing in-put oriented rules into outcome-oriented rules. In this rule we express priorities and expectations for responses, but in each instance we carefully permit companies to take more time than is indicated in the subsection when circumstances beyond the reasonable ability of the company to control do not permit repair within the stated periods. We modified the adopted rule in order to make this even more clear than apparently was the case.

143 Companies have also stated it would be time consuming and expensive to notify customers when major outages are planned. Companies also expressed a concern that criminals would also be informed and could take advantage of the lack of 9-1-1 service. We considered their concerns, and modified the notice section to require only reasonable efforts. We share the concern for security, but believe that informed emergency management authorities and citizens can better protect themselves if they know to prepare for a period without telephone service.

144 We note that we do not require notice when the outage is anticipated to be of a very short duration. We proposed five minutes between the hours of 12:00 a.m. and 5:00 a.m. This proposal was adopted after discussion with companies. Only one company suggested lengthening it to ten minutes, which we reject because no reason was provided and because it is inconsistent with what we learned from several companies about network maintenance needs.

145 Incumbent companies have also stated that the increase in reporting progress in restoring service through intercompany trunk and toll trunks from once a day to twice a day is unnecessary and no change is warranted. Competitively classified

companies stated in the course of this rulemaking that they would prefer hourly up-dates on repair progress, but indicated that twice daily would be beneficial. We decline to make a change in the proposed rule because we think we have struck a reasonable balance.

WAC 480-120-438 – Trouble report standard.

146 Companies suggested the trouble report standard in the proposed rule would create problems for small central offices because only a handful of trouble reports could result in the below-standard performance. Our proposed rule recognized this same concern and the standard was changed so that a wire center must have four or more trouble reports in two consecutive months, or four trouble reports in four months out of twelve, before it will be considered below standard. Small or large, it is important to know if there are chronic problems in a wire center because the effect on the customer is the same whether the customer is served from a large or small central office. We decline to make any additional change.

WAC 480-120-439 – Service quality performance reports.

147 Companies have suggested the reporting requirements for installation and activation are complicated and the Commission should adopt a rule only if company performance deteriorates. Our experience is that we had an ineffective reporting rule that resulted in an inability to detect problems and remedy them at a time when we had a severe problem in this state. The report required by this subsection will assist us in spotting trends in this area and permit faster action than was possible in the past.

148 Companies have asked that we modify subsection (4) to permit reporting of completed orders rather than orders taken because not all companies may be able to state the number of orders taken each month. We decline to make that

change, but we have added a subsection that allows a company to propose an alternate manner in which information is reported.

149 Companies have also asked that the report be on a statewide basis rather than by central office. We currently have an installation and activation standard by central office and reporting by central office. We have modified the standard in the proposed rule to require a certain level of installation and activation on a statewide basis, but we proposed a reporting standard by central office so that we could determine if the quality of service in any given location is significantly different than the statewide average. Our proposed rule to alter the standard from central office to statewide is opposed by consumer advocates. Prior to proposing the new standard we determined that a statewide standard would balance company and consumer advocate concerns, but also determined that we should monitor this service quality indicator closely. We decline to alter the proposed reporting rule.

150 Companies have requested that orders for installation or activation that could not be completed within five days due to force majeure not be included in the report required by subsection (4). We have modified the standard in WAC 480-120-105(1)(a) and this subsection to reflect that the standard for installation and activation of orders within a month and the report related to that standard may exclude orders that cannot be installed or activated within five business days due to force majeure. A delay due to force majeure that affects a company's ability to meet the standard for installing or activating at least ninety percent of all orders for up to five access lines in five business days does not alter its obligations to meet the standards for the calendar-quarter and one-hundred-and-eighty-day periods. A company could seek an exception under WAC 480-120-015 if the extent of the effect of a force majeure event is such that it believes such an event prevented it from meeting those standards found in WAC 480-120-105.

151 Companies have requested that the interoffice, inter company, and interexchange trunk blocking report include a requirement to report on the standard in 480-120-

401(5). This is a standard that applies to the same types of facilities for which this report is required and we consider it reasonable to increase the reporting requirement as requested.

152 Companies have requested that we eliminate the requirement to report the number of construction orders requiring permits as provided for in WAC 480-120-440. We agree that this information is not critical to the Commission's ability to monitor performance as it relates to repairs. Accordingly, we have modified the rule to remove that specific requirement and replace it with a report of the number of service interruptions and impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

153 Companies have requested that we alter the reporting requirement that demonstrates compliance with the repair standards related to the time it takes for repairs to be completed. They request that they be permitted to report the repairs completed in two working days or three working days (in conjunction with a similar request to change the standards for two different types of repairs from forty-eight hours and seventy-two hours to working days). We have not altered those standards and therefore decline to alter the report requirement. This is an area where a company may consider approaching the Commission under subsection (12) of this section.

<u>WAC 480-120-440 – Repair standards for service interruptions and impairments, excluding major outages.</u>

154 Companies have suggested a standard for repair of service-affecting and non-service-affecting interruptions in telecommunications service in two working days and three working days, respectively, rather than forty-eight hours and seventy-two hours. Other comments were made that a 100 percent standard is too difficult and it should be replaced with a 95 percent standard.

155 The current standard requires all repairs to be made within two working days. The proposed rule separates service interruption (no dial tone) from non-service interruptions (noisy line) and requires action on the former within forty-eight hours and on the latter within the less-demanding seventy-two hours.

156 We have a standard that has served well but we are providing even more time to companies for one type of repair, while placing increased emphasis on the most important repairs. We think we have struck a fair balance and decline to make any changes.

157 We also decline to adopt a percentage repair standard. The requirement for all repairs to be completed within two working days has not been shown to be unreasonable. Neither has our enforcement of the standard been unreasonable. If we were to change to a percentage standard, then we would have to investigate the entirety of a company's performance to know if one customer has received substandard service, or if the customer is one of the group that make up the percentage that may not receive repair assistance for some very long time without the percentage standard being broken.

158 We have modified the notice subsection in the same manner as we modified it with respect to major outages. Companies must make reasonable efforts to notify customers when an outage must be created as part of the repair process.

<u>WAC 480-120-450 – Enhanced 9-1-1 (E911) obligations of local exchange companies.</u>

159 The Military Department, Emergency Management Division, commented on May 22, 2002, and asked us to clarify disparate references to state emergency management authorities and state emergency management division. We changed the reference to division to be a reference to authorities. We addressed several other changes sought by the Emergency Management Division that arose in consultation prompted by written comments. While the changes made are not

identical to what was submitted in writing, the changes reflect the suggestions made after consultation.

160 Companies suggested that the rule be changed to accommodate circumstances where the service is foreign exchange service. Foreign exchange service is a very small percentage of service and we are disinclined to establish rules for this small portion of service. Companies and emergency management personnel have the ability to route foreign exchange calls to the proper 9-1-1 answering point. There is no need for a change to this rule and we decline to make one.

161 Companies suggest that a secure, internet-based method for maintaining customer records (of telephone locations) not be required, that companies that provide data base management be permitted to offer only a secure dial up method for access to the data base to maintain records. This issue is very important to emergency management personnel because out-of-date records can literally mean the difference between life and death. Unfortunately, in large buildings and building complexes when personnel are moved, the records are not always updated and the location of the telephone in an emergency may be reported to be on a different floor, or even in a different building, than is really the case. Many large employers would like to contract with vendors that will maintain accurate records and this rule is intended to accommodate that activity. We remain convinced that the secure, internet-based method will result in records being kept more up-to-date than is the case today. We permit companies to provide the dial-up method as well.

162 Companies suggested requirements tied to a twenty-four hour standard be changed to a one day standard. We consulted with emergency management personnel and as a result of their concurrence we make the requested changes in the adopted rules.

163 Companies have requested changes to subsection (1)(b) because the location associated with a telephone number sometimes is different from the location of

the station. We have made changes to subsection (1)(b), to other parts of this rule, and to WAC 480-120-263, in an effort to make certain that in most instances the information provided to a public safety answering point (PSAP) will result in accurate station location information. The responsibility for inclusion of accurate station location information in E911 data bases falls upon local exchange companies, but we have added an obligation for pay phone service providers to report accurate station location information to LECs. We have also made it easier for operators of private branch exchanges (PBXs) to provide station location to LECs that is more detailed than just the location of the PBX.

164 Local exchange companies asked that subsection (1)(c) be altered so that the address displayed to the PSAP would be the address of the point of demarcation. We have altered this subsection, but as explained above, we have also made other changes, including to WAC 480-120-263. Those changes require payphone service providers to make available to LECs much more detailed descriptions of the locations of payphones, which is far superior to the demarcation point.

165 Companies requested changes to subsection (2)(c) because the proposed rule seemed to require LECs to maintain information not in their possession. Changes to WAC 480-120-263 will result in LECs receiving the information that subsection (2)(c) requires be maintained.

166 Companies requested changes to subsection (2)(e) that would reduce the obligation to resolve reported errors in the E911 data base to an obligation to respond to a reported error in that time. We decline to make the change because we believe it is in the public interest to have data base errors resolved within five working days. We were presented with no compelling information to support a need to weaken a requirement on which public safety depends.

167 Companies requested that we remove from the proposed rule the currently existing requirement that E911 services including selective routing, data base management, and transmission of calls to PSAPs be offered by tariff or price list.

Companies state their opinion that these are not telecommunications services and the Commission should not, therefore, require that they be offered in this manner. RCW 80.04.010 defines telecommunications as the "transmission of information by wire, radio…or similar means" and facilities as "lines…instruments…and all devises…used…to facilitate the provision of telecommunications service." Because we believe the activities and equipment used in the provision of E911 service are telecommunications facilities we decline to alter the proposed rule and eliminate the current requirement that these activities be offered by tariff or price list.

Arrearage payments by Washington telephone assistance program (WTAP) participants.

168 The Welfare Rights Organizing Coalition stated it believes the Washington Telephone Assistance Program is an entitlement program and that our rules cannot condition participation in the WTAP program on payment of an arrearage. Whether or not it is an entitlement program, we believe that we can require repayment of prior obligations. We have adopted a rule that provides for generous repayment terms for prior obligations arising out of local service.

Consumer Bill of Rights

169 Throughout the last year of this rulemaking, consumer advocates have urged us to adopt a consumer bill of rights. We view the rules we adopt with this Order to be more valuable to consumers than a general, but not specifically enforceable, statement of rights. We provide specific, enforceable requirements that companies must follow in performing their obligations. The specific requirements we adopt, when viewed as a whole, are very much like a bill of rights, but without the ambiguity that such a document might contain.

170 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission repealed, adopted and amended the rules in the CR-102 at WSR #02-12-055 with the changes described below.

171 **CHANGES FROM PROPOSAL:** After reviewing the entire record, the Commission adopted the proposal with the following changes from the text noticed at WSR #02-12-055. Changes were made in the following sections: 480-12-015, 480-120-021, 480-120-061, 480-120-102, 480-120-103, 480-120-104, 480-120-105, 480-120-107 (withdrawn), 480-120-108 (withdrawn), 480-120-112, 480-120-123, 480-120-128, 480-120-133, 480-120-147, 480-120-161, 480-120-162, 480-120-165, 480-120-166, 480-120-167, 480-120-171, 480-120-172, 480-120-173, 480-120-251, 480-120-254, 480-120-262, 480-120-263, 480-120-311, 480-120-312 (withdrawn), 480-120-323, 480-120-401, 480-120-412, 480-120-439, 480-120-440, and 480-120-450. The substance of the changes in these rules is discussed in paragraphs 17 through 166, except where the change conforms one rule to a change to another rule discussed in paragraphs 16 through 169, or the change is editorial.

172 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-120-029, 480-120-031, 480-120-032, 480-120-033, 480-120-041, 480-120-042, 480-120-043, 480-120-045, 480-120-046, 480-120-051, 480-120-056, 480-120-081, 480-120-087, 480-120-088, 480-120-089, 480-120-101, 480-120-106, 480-120-116, 480-120-121, 480-120-126, 480-120-131, 480-120-136, 480-120-138, 480-120-139, 480-120-141, 480-120-340, 480-120-350, 480-120-500, 480-120-505, 480-120-510, 480-120-515, 480-120-520, 480-120-525, 480-120-530, 480-120-531, 480-120-535, 480-120-541, 480-120-542, 480-120-543, 480-120-544, 480-120-545 should be repealed effective July 1, 2003.

173 The Commission determines that WAC sections 480-120-011, 480-120-015, 480-120-021, 480-120-061 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on July 1, 2003.

174 The Commission also determines that WAC sections 480-120-102, 480-120-103, 480-120-104, 480-120-105, 480-120-112, 480-120-122, 480-120-123, 480-120-124, 480-120-128, 480-120-132, 480-120-133, 480-120-146, 480-120-147, 480-120-148, 480-120-161, 480-120-162, 480-120-163, 480-120-164, 480-120-165, 480-120-166, 480-120-167, 480-120-171, 480-120-172, 480-120-173, 480-120-174, 480-120-251, 480-120-252, 480-120-253, 480-120-254, 480-120-255, 480-120-256, 480-120-257, 480-120-261, 480-120-262, 480-120-263, 480-120-265, 480-120-301, 480-120-302, 480-120-303, 480-120-304, 480-120-305, 480-120-311, 480-120-321, 480-120-322, 480-120-323, 480-120-401, 480-120-402, 480-120-411, 480-120-412, 480-120-414, 480-120-436, 480-120-437, 480-120-438, 480-120-439, 480-120-440, 480-120-450, 480-120-451, 480-120-452, 480-120-999 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on July 1, 2003.

ORDER

175 THE COMMISSION ORDERS:

176 WAC sections 480-120-029, 480-120-031, 480-120-032, 480-120-033, 480-120-041, 480-120-042, 480-120-043, 480-120-045, 480-120-046, 480-120-051, 480-120-056, 480-120-081, 480-120-087, 480-120-088, 480-120-089, 480-120-101, 480-120-106, 480-120-116, 480-120-121, 480-120-126, 480-120-131, 480-120-136, 480-120-138, 480-120-139, 480-120-141, 480-120-340, 480-120-350, 480-120-500, 480-120-505, 480-120-510, 480-120-515, 480-120-520, 480-120-525, 480-120-530, 480-120-531, 480-120-535, 480-120-541, 480-120-542, 480-120-543, 480-120-544, 480-120-545 are repealed effective July 1, 2003.

177 WAC sections 480-120-011, 480-120-015, 480-120-021, 480-120-061 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on July 1, 2003.

178 WAC sections 480-120-102, 480-120-103, 480-120-104, 480-120-105, 480-120-112, 480-120-122, 480-120-123, 480-120-124, 480-120-128, 480-120-132, 480-120-133, 480-120-146, 480-120-147, 480-120-148, 480-120-161, 480-120-162, 480-120-163, 480-120-164, 480-120-165, 480-120-166, 480-120-167, 480-120-171, 480-120-172, 480-120-173, 480-120-174, 480-120-251, 480-120-252, 480-120-253, 480-120-254, 480-120-255, 480-120-256, 480-120-257, 480-120-261, 480-120-262, 480-120-263, 480-120-265, 480-120-301, 480-120-302, 480-120-303, 480-120-304, 480-120-305, 480-120-311, 480-120-321, 480-120-322, 480-120-323, 480-120-401, 480-120-402, 480-120-411, 480-120-412, 480-120-414, 480-120-436, 480-120-437, 480-120-438, 480-120-439, 480-120-440, 480-120-450, 480-120-451, 480-120-452, 480-120-999 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on July 1, 2003.

179 This Order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this ___ th day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 57, amended 4, repealed 41.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.