

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UT-000067
)	
Complainant,)	
)	
v.)	COMPLAINT
)	
USLD COMMUNICATIONS, INC.)	
)	
Respondent.)	
.....)	

The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. PARTIES

1. The Commission is an agency of the state of Washington, authorized by Title 80 RCW to regulate the rates, practices, accounts, and services of telecommunications companies, including operator service providers.

2. Respondent USLD Communications, Inc. (USLD or respondent) is a telecommunications company registered to provide telecommunications services in the state of Washington subject to the provisions of Title 80 RCW and chapter 480-120 WAC. USLD enjoys competitive classification by Commission order for the provision of operator services (i.e., collect calls, credit card calls, and calls billed to third parties from call aggregator locations, such as hotels, motels, hospitals, campuses, and payphones).

II. JURISDICTION

3. The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, RCW 80.36.130, RCW 80.36.320, RCW 80.36.522, and RCW 80.36.524.

III. STATEMENT OF FACTS

4. Commission Staff investigated USLD's billing practices, by obtaining billing records from the company for the period between July 1, 1999 to October 31, 1999. Staff also investigated USLD's verbal rate disclosure practices by placing test calls on 33 selected payphones on which USLD provides operator services

in December of 1999 and January of 2000.

5. When providing operator services for **collect calls** on the 33 selected payphones, USLD consistently failed to prompt the calling party to receive a rate quote within the two key-stroke maximum required by rule. Additionally, USLD consistently failed to prompt the called party to receive a rate quote within the two key-stroke maximum required by rule.

6. When providing operator services for **credit card calls**, USLD consistently failed to prompt the calling party to receive a rate quote within the two key-stroke maximum required by rule.

7. The rates USLD charged for intrastate operator-assisted payphone calls were significantly higher than the rates set out in the company's price list on file with the Commission. For example, USLD's schedule on file with the Commission and in effect between July 1, 1999, and October 31, 1999, shows the subscriber surcharge rate to be \$0.25. In its investigation, Staff identified 2,351 intrastate operator-assisted payphone calls in which USLD charged customers more than \$0.25 for the subscriber surcharge.

IV. FIRST CLAIM FOR RELIEF

(Failure to advise customer how to receive a rate quote within the required two key-stroke maximum)

8. The Commission, through its Staff, realleges paragraphs 4-7.

9. WAC 480-120-141(2)(b) requires operator service providers to verbally advise the consumer how to receive a rate quote within a two key-stroke maximum.

10. Because the respondent failed to prompt customers paying for credit card or collect calls how to obtain a rate quote within a two key-stroke maximum, respondent violated WAC 480-120-141(2)(b) with every such call.

V. SECOND CLAIM FOR RELIEF

(Charging more than the rate on file with the Commission)

11. The Commission, through its Staff, realleges paragraphs 4-7.

12. RCW 80.36.130 requires that every telecommunications company charge only those rates contained in its schedule on file with the Commission and in effect at the time service is rendered.

13. Because the respondent charged more than the rate \$0.25 for the

subscriber surcharge, the rate on file with the Commission and in effect at the time service was rendered, the respondent violated RCW 80.36.130 with every such billing.

THEREFORE, at the Commission's regular open meeting of April 12, 2000 the Commission commenced an adjudicative proceeding pursuant to chapter 34.05 RCW and chapter 480-09 WAC for the following purposes:

1. To determine whether the respondent has failed to comply with applicable laws, and the rules and orders of the Commission as set forth in the allegations above.
2. To determine whether the Commission should suspend respondent's registration as a Washington telecommunications company pursuant to RCW 80.36.522.
3. To determine whether the Commission should assess monetary penalties against the respondent based on alleged violations of Commission rules identified by Staff during its investigation of company practices.
4. To determine whether the Commission should order a refund of overcharges to customers pursuant to RCW 80.04.230.
5. To make such other determinations and enter such orders as may be just and reasonable, including, but not limited to, determining whether the Commission should, as an alternative to suspension of the respondent's registration, revoke the respondent's competitive classification pursuant to RCW 80.36.320(4) and order a reduction of its rates pursuant to RCW 80.04.360.

DATED at Olympia, Washington, and effective this 10th day of May 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


WILLIAM R. GILLIS, Commissioner