

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making Proceeding Related To Commission General – Tariffs: Chapter 480-80 WAC	DOCKET NO. U-991301
---	---------------------

**Initial Comments of
Public Counsel
Attorney General of Washington**

October 26, 2000

Public Counsel files these comments in response to the Commission's October 2, 2000 Notice of Opportunity to File Written Comments. We look forward to participating in this rulemaking and attending the November 14, 2000 workshop.

General Comments

Under the basic framework of rate regulation, regulated companies may only impose rates which are filed as tariffs and approved or permitted by the regulatory agency. Filed tariffs benefit customers in a number of ways. They reflect regulatory oversight, they help ensure against unlawful discrimination, they provide a basis for regulatory enforcement action, and they are a public source of information about company charges. With the advent of the competitive classification statutes, the price listing requirement was an effort to retain some of these benefits for customers while allowing greater flexibility and reduced regulation for companies. For this reason, in the general telecommunications rulemaking, Public Counsel commented that the

PUBLIC COUNSEL INITIAL COMMENTS U-991301	1	Error! AutoText entry not defined.
--	---	------------------------------------

existing price listing rules should not be changed. This rulemaking raises the question in a somewhat different manner and in the context of specific draft language, in effect, asking whether the price listing rules as currently written any longer provide a useful function for consumers. If not, some amendment or modification may be appropriate. It may also be appropriate to consider what added requirements could be of value to address current consumer issues.

Specific Issues

These are preliminary comments on specific elements of the draft rule regarding price lists. Except where specified, these comments apply to both WAC 480-80-X01 and X03.

Subsection 1 (b) – Price ranges: Is it adequate for the price list to only state the maximum price, or the maximum and minimum range of price? If Chapter 80.36 requires price listing, is this compliant?

Subsection 2: Does the exemption from RCW 80.36.130 unduly expose customers to redlining, individual discrimination, market segmentation, deceptive advertising or other harm? Does the exemption remove a basis for Commission enforcement action against overcharging?

Subsection 3: Does this section preclude Commission review of prices for compliance with price floor requirements? Does it remove the “filed rate” doctrine as a defense available to companies?

Subsection 4: This raises similar issues to subsection 2. What remedies are available to consumers who are charged prices different than those advertised, agreed to, or contained in a price list? Are there any remedies available to consumers at the Commission? What enforcement action can the Commission take?

Subsection 5: Is this provision adequate? Should companies be required to provide

PUBLIC COUNSEL INITIAL COMMENTS U-991301	2	Error! AutoText entry not defined.
--	---	------------------------------------

additional price information on their websites so customers can obtain accurate information as they seek to compare carriers, or verify telemarketing claims and advertising assertions?

Subsection 6: If disclosure of the actual price is required, should the rule describe what is meant by “actual” price and when the disclosure should be made?

Conclusion

These comments are preliminary and Public Counsel expects to provide more detailed comments as the rulemaking progresses. Public Counsel would suggest it may be appropriate to call for additional comments after the November workshop, perhaps after any revisions to the draft rule have been made by Staff.

PUBLIC COUNSEL INITIAL COMMENTS U-991301	3	Error! AutoText entry not defined.
--	---	------------------------------------