

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Request for Petition of)	DOCKET UT-990401
Waiver of Administrative Rules for)	
)	ORDER GRANTING WAIVER IN PART
GTE NORTHWEST, INC.)	OF WAC RULE 480-120-141 (2)(b)
)	
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.....)	

On July 28, 2000, GTE Northwest, Inc., (now Verizon Northwest Inc., or "Verizon") filed an amendment to a previously-filed petition asking for a waiver of WAC 480-120-141 (2)(b) as it relates specifically to inmate phones. Verizon seeks a permanent waiver, only at correctional facilities, and only for calls from an inmate originating an operator-assisted (collect) call, of the portion of the rule requiring automatic rate disclosure.

DISCUSSION

The Commission made significant changes to its pay phone and operator services rules in January 1999 to carry out consumer protections regarding pay phone use after deregulation of much of the pay phone industry at the federal level. The Commission's rules were revised to be consistent with the Telecommunications Act of 1996 and subsequent FCC orders relating to pay phones and operator services, and to ensure adequate protections for users of pay phones within Washington state. One of the major additions to the FCC's rules and subsequently the Commission's rules is the capability for a consumer to receive a verbal rate quote from the pay phone within no more than two key strokes. This Commission's rules define a consumer as the party initiating and or paying for a call using operator services. In collect calls, both the originating and the party on the terminating end of the call are considered consumers.

Verizon seeks a permanent waiver of that portion of the rule requiring access to the automatic rate disclosure from the party originating the operator-assisted (collect) call, when that call originates from an inmate phone at a correctional facility. Verizon had intended to utilize live operators to perform this function. However, it had concerns about harassment and fraud that can take place when an inmate has access to a live operator, and Department of Corrections also expressed similar concerns. Subsequently, Verizon learned of current automated technology that prompts the called party to ask for a rate quote. The inmate cannot initiate the rate quote, however, and that is the reason why there is a need for a limited waiver. Once the called party initiates the rate request, both the caller and the called party will hear the rate information. Either party may terminate the call by hanging up. Verizon will have this automated verbal rate prompt installed by September 1, 2000.

The Commission believes this is a reasonable request as long as Verizon always announces and makes available to the receiver of the collect call automatic access to a rate quote as required by the rule. Further, if the receiver of a collect call from an inmate chooses to access the rate prompt, both parties will hear the quoted rate.

FINDINGS

THE COMMISSION FINDS:

1. Verizon Northwest Inc., a Washington corporation, is a public service company subject to the jurisdiction of this Commission under the provisions of chapter 80.28 RCW.
2. Verizon's request for a permanent waiver of that portion of the rule requiring access to automatic rate disclosure from the party originating the operator-assisted (collect) call, when that call originates from an inmate phone at a correctional facility, is reasonable to comply with the company's and correctional facilities' concerns for protection of the public. Verizon must make the verbal disclosure option available to the person receiving the call (i.e., the recipient of a collect call from an inmate), who would ultimately incur the cost of the call.

ORDER

The Commission grants Verizon's request for a waiver of WAC 480-120-141(2)(b), only as it applies to collect calls from inmates at correctional facilities, only as it applies to the originating, not the receiving, party, and only so long as the alternative proffered by Verizon and described in this Order remain in effect.

DATED at Olympia, Washington, and effective this 9th day of August, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner


WILLIAM R. GILLIS, Commissioner

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request for Petition of)
 Waiver of Administrative Rules for) DOCKET UT-990401
)
) ORDER GRANTING TEMPORARY
 GTE NORTHWEST INC.) WAIVER OF
) WAC 480-120-141(2)(b) and
) WAC 480-120-141 (7)(a)
)

On March 4, 1999 GTE Northwest Inc.(now Verizon, Northwest Inc. or "Verizon") filed a petition for a waiver of WAC 480-120-141 (7)(a); and for a waiver until January 1, 2000, of WAC 480-120-141(2)(b). Verizon explained in its petition that it sought a waiver of certain parts of the operator service rules because technology and equipment were not available at that time to comply with the Commission's newly revised rule requirements. In particular, Verizon sought an extension for compliance with WAC 480-120-141(2)(b) relating to rate quotes until January 1, 2000 to develop the technology to provide automatic verbal rate quotes from a pay phone. Verizon also asked for a waiver of WAC 480-120-141(7)(a); this section of the rule relates to the capabilities of providing emergency access to Enhanced 911 (E-911) and Public Safety Answering Points (PSAPs) providing E-911 service. Verizon claimed that due to equipment limitations, it was unable to transfer a call from an operator to a known PSAP location with a single keystroke, and at the same time provide the automatic number identification (ANI) that enables direction of emergency assistance to the correct location.

On July 28, 2000, Verizon asked for an extension to the originally-filed petition. Verizon states that it cannot complete the necessary changes to comply with WAC 480-120-141 (2)(b) until September 1, 2000.

DISCUSSION

Verbal Rate Disclosure

The Commission made significant changes to its pay phone and operator services rules in January 1999 to carry out consumer protections regarding pay phone use after deregulation of much of the pay phone industry at the federal level. The Commission's rules were revised in order to be consistent with the Telecommunications Act of 1996 and subsequent FCC orders relating to pay phones and operator services, and to ensure adequate protections for users of pay phones within Washington state. One of the major additions to the FCC's rules and subsequently the Commission's rules is the capability for a consumer to receive a verbal rate quote from the pay phone within no more than two key strokes.

In its amended petition, Verizon claims that it can comply with the verbal rate disclosure by September 1, 2000. Since the company claims compliance by September 1, 2000, only 3 weeks away, the Commission feels this is a reasonable request, as long as Staff conducts an investigation into the practices of Verizon's operator services in September 2000.

Emergency Calls

In its original petition, Verizon asked for a waiver of WAC 480-120-141(7)(a). This section of the rule relates to the capabilities of providing emergency access to E-911 and PSAPs. The rule requires that an operator service provider transfer the caller into the appropriate E-911 system and to the PSAP serving the location of the caller with a single keystroke from the operator's console. This must include automatic identification of the exact location and address from which the call is being made. This request will occur when a caller dials 0 for the operator during an emergency situation.

Verizon recognizes that the capability exists to transfer a call from an operator to a known PSAP location with a single keystroke. In its petition, it noted that it would have to provide a "speed calling-type" service to reach each of the PSAPs to which a caller could be transferred. Its original petition cited concerns about the cost required to provide trunking from each operator center to the PSAPs. Further, it indicated that to display and forward the address and location, its operators would need to access the E-911 database, which is completely separate from the Line Information Database used by Verizon's operator services.

The Commission's staff has partnered with Emergency Management personnel since the inception of this rule change in order to help pay phone service providers and operator service providers comply with this rule. Companies use current technologies in order to achieve one keystroke access to the proper PSAP. One of the intentions of the upgrade to enhanced 911 service within the state was to have a central database that includes all phone numbers and physical locations. To date all locations within Washington state have upgraded to the E-911 system.

Verizon states that the company no longer has the trunking issues, but that access to the E-911 database must be addressed. The company now states that it could have the necessary changes implemented in approximately 90 days to ensure compliance with this part of the rule.

Emergency access to the appropriate PSAP is vitally important to the safety and welfare of consumers. The Commission believes that Verizon should take the necessary steps to access the E-911 database and PSAPs in compliance with this rule by November 15, 2000. The company must report to staff specific action steps and progress to ensure full compliance with this rule. With those conditions, the Commission grants Verizon's request for a temporary waiver of WAC 480-120-141(7)(a) until November 15, 2000.

FINDINGS

THE COMMISSION FINDS:

- 1. Verizon Northwest Inc., a Washington corporation, is a public service company subject to the jurisdiction of this Commission under the provisions of chapter 80.28 RCW.
- 2. Verizon can comply with the verbal rate disclosure by September 1, 2000. Granting the waiver until September 1, 2000 of WAC 480-120-141(2)(b), which requires automatic access to rate quotes for consumers using pay phones is reasonable and should therefore be approved.
- 3. Verizon can comply with one keystroke access to E-911 and PSAPs by November 15, 2000. Extending time for compliance with WAC 480-120-141 (7)(a), is reasonable and therefore should be approved.

ORDER

- 1. The Commission grants Verizon's request for a waiver until September 1, 2000 of WAC 480-120-141(2)(b), which requires automatic access to rate quotes for consumers using pay phones. Staff is directed to conduct an investigation into the practices of Verizon's operator services in September 2000.
- 2. The Commission grants Verizon's request for a waiver until November 15, 2000 of WAC 480-120-141 (7)(a), one keystroke access to E-911 and PSAPs. Verizon must report to the Commission no later than November 15, 2000, describing in reasonable detail the specific action steps it has taken, and the progress of Verizon to ensure full compliance to this rule.

DATED at Olympia, Washington, and effective this 9th day of August, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


 RICHARD HEMSTAD, Commissioner


 WILLIAM R. GILLIS, Commissioner

DISSENTING OPINION

MARILYN SHOWALTER, Chairwoman, dissenting -- I dissent. These rules have been in effect since January 29, 1999. No evidence has been presented why the company could not have complied with the rules by now. While I appreciate the company's willingness to comply with the rules within the next 20 (or 90) days, I do not think this is a persuasive reason why the rules should be waived for that period of time.



MARILYN SHOWALTER, Chairwoman