

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-021 Definitions.** The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

**"Access charge"** means a rate charged by a local exchange ((~~carrier~~)) company to an interexchange ((~~carrier~~)) company for the origination, transport, or termination of a call to or from a customer of the local exchange ((~~carrier~~)) company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

**"Access line"** means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

**"Affiliate"** means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

**"Ancillary services"** means all local service features excluding basic service.

**"Applicant"** means any person applying to a telecommunications company for new service or reconnection of discontinued service.

**"Average busy hour"** means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Basic service"** means service that includes the following:

- ? Single-party service;
- ? Voice grade access to the public switched network;
- ? Support for local use;
- ? Dual tone multifrequency signaling (touch-tone);
- ? Access to emergency services (E911);
- ? Access to operator services;
- ? Access to interexchange services;
- ? Access to directory assistance; and
- ? Toll limitation services.

**"Business"** means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

**"Business days"** means days of the week excluding Saturdays,

Sundays, and official state holidays.

**"Business office"** means an office or service center provided and maintained by a company.

**"Business service"** means service other than residential service.

**"Busy season"** means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Call aggregator"** means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

(~~"Call detail" has the meaning found in WAC 480-120-201.~~)

**"Category of service"** means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

**"Central office"** means a company facility that houses the switching and trunking equipment serving a defined area.

**"Centrex"** means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

**"Class A company"** means a local exchange company with two percent or more of the access lines within the state of Washington. The method of determining whether a company is a Class A company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

**"Class B company"** means a local exchange company with less than two percent of the access lines within the state of Washington. The method of determining whether a company is a Class B company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

**"Commercial mobile radio service (CMRS)"** means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

**"Commission (agency)"** in a context meaning a state agency, means the Washington utilities and transportation commission.

**"Company"** means any telecommunications company as defined in RCW 80.04.010.

**"Competitively classified company"** means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

**"Customer"** means a person to whom the company is currently providing service.

**"Customer premises equipment (CPE)"** is equipment located on the customer side of the SNI (other than a (~~carrier~~) company) and used to originate, route, or terminate telecommunications.

(~~"Customer proprietary network information (CPNI)" has the meaning found in WAC 480-120-201.~~)

**"Discontinue; discontinuation; discontinued"** means the termination or any restriction of service to a customer.

**"Drop facilities"** means company-supplied wire and equipment placed between a premises and the company distribution plant at the applicant's property line.

**"Due date"** means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

**"Emergency response facility"** means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

**"Exchange"** means a geographic area established by a company for telecommunications service within that area.

**"Extended area service (EAS)"** means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

**"Facility or facilities"** means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

**"Force majeure"** means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

**"Interexchange"** means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

**"Interexchange company"** means a company, or division thereof, that provides long distance (toll) service.

**"Interoffice facilities"** means facilities connecting two or more telephone switching centers.

**"InterLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

**"IntraLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications that

originate and terminate within the same LATA.

**"Local access and transport area (LATA)"** means a local access transport area as defined by the commission in conformance with applicable federal law.

**"Local calling area"** means one or more rate centers within which a customer can place calls without incurring long-distance (toll) charges.

**"Local exchange company (LEC)"** means a company providing local exchange telecommunications service.

**"Major outages"** means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand (~~subscribers~~) customers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

**"Missed commitment"** means orders for exchange access lines for which the company does not provide service by the due date.

**"Order date"** means the date when an applicant requests service unless a company identifies specific actions a customer must first take in order to be in compliance with tariffs, price lists, or commission rules. Except as provided in WAC 480-120-061 (Refusing service) and 480-120-104 (Information to consumers), when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff or price list. In the event the applicant fails to provide the support structure or perform the other requirements of the tariff or price list, a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff or price list.

**"Pay phone"** or **"pay telephone"** means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

**"Pay phone services"** means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

**"Pay phone service provider (PSP)"** means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

**"Payment agency"** means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

**"Person"** means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

**"Prior obligation"** means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment.

~~((**"Private account information"** means customer proprietary network information that is associated with an identifiable individual.))~~

**"Proprietary"** means owned by a particular person.

**"Provision"** means supplying telecommunications service to a customer.

**"Public access line (PAL)"** means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

**"Public safety answering point (PSAP)"** means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

**"Residential service"** means basic service to a household.

**"Restricted basic service"** means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

**"Results of operations"** means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

**"Service interruption"** means a loss of or impairment of service that is not due to, and is not, a major outage.

**"Service provider"** means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

**"Special circuit"** means an access line specially

conditioned to give it characteristics suitable for handling special or unique services.

**"Standard network interface (SNI)"** means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

**"Station"** means a telephone instrument installed for ~~((the use of a subscriber to provide))~~ a customer to use for toll and exchange service.

**"Subscriber list information (SLI)"** means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**"Support structure"** means the trench, pole, or conduit used to provide a path for placement of drop facilities.

~~((**"Telecommunications-related products and services"** means:~~

~~(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or~~

~~(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information; or~~

~~(c) Equipment employed on the premises of a person to originate, route, or terminate telecommunications.))~~

**"Telecommunications service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

**"Telemarketing"** means contacting a person by telephone in an attempt to sell one or more products or services.

**"Toll restriction"** or **"toll restricted"** means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

**"Traffic"** means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

**"Trouble report"** means a report of service affecting

network problems reported by customers, and does not include problems on the customer's side of the SNI.

**"Trunk"** means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

#### NEW SECTION

**WAC 480-120-034 Classification of local exchange companies as Class A or Class B.** (1) Each local exchange company is classified as a Class A company or a Class B company, based on the number of access lines it provides to Washington state customers.

(2) The classification of a company as Class A or Class B is made without respect to the company's classification as a competitive company under RCW 80.36.320.

(3) For purposes of classifying a company as Class A or Class B, the number of access lines served by the local exchange company includes the number of access lines served in this state by any affiliate of that local exchange company.

(4) Any company whose classification as Class A or Class B changes, due to a change in the number of access lines served, a change in affiliate relationships, or other reason, must notify the commission secretary of the change in classification within thirty days after the end of the month in which change in classification occurs.

(5) By July 1 of each year, the commission will publish on its website the total number of access lines served by local exchange companies in Washington, based on information reported by companies for the previous calendar year, and a calculation of the two percent threshold.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-112 Company performance for orders for nonbasic services.** (1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this

section does not apply when a later installation or activation is permitted under WAC 480-120-071 (~~((Extending))~~ Extension of service), or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-122 Establishing credit--Residential services.**

~~((1))~~ This section applies only to the provision of residential services.

(1) For a local exchange company (LEC) that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering. The LEC may require an applicant or customer of residential basic service to pay a local service deposit only (~~((in accordance with (a) through (e) of this subsection. For a LEC that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering.))~~) if:

(a) ~~((If))~~ The applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) ~~((If))~~ The applicant or customer has had basic service discontinued by any telecommunications company;

(c) ~~((If))~~ The applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) ~~((If))~~ The applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172(1); or

(e) ~~((If))~~ The applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172(1).

(2) A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means ~~((or))~~ pay a deposit, or make advanced payments consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit or advanced payments for ancillary services.

(3) An interexchange company may, if provided for in its



tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the ~~((following will apply))~~ company must offer the applicant or customer the following options:

(a) ~~((The customer may))~~ Pay no more than fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must ~~((be allowed))~~ have the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when ~~((a))~~ the customer makes full payment of the requested interexchange ~~((carrier))~~ company deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit or make advanced payments equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day

after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels (~~outlined above~~) in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice;  
or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-128 Deposit administration.** (1) **Transfer of deposit.** A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity as of November 15 of the previous year, as calculated by the U.S. Treasury(~~(, as)~~) and published in the Federal Reserve's Statistical Release H.15 (~~(on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day)~~); and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(3) **Refunding deposits for (~~residential~~) retail services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a retail customer when:

(a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and

(ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

~~((+e))~~ (4) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no later than thirty days after satisfactory payment history is established or thirty days after the date the closing bill is (~~issued~~) paid when service is terminated.

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

**WAC 480-120-147 Changes in local exchange and intrastate toll services.** For the purpose of this section "subscriber" is any one of the following: The party identified in the account records of a common carrier as responsible for payment of the telephone bill; any adult person authorized by such party to change telecommunications services or to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such party.

(1) **Verification of orders.** A local exchange or intrastate toll (~~(carrier)~~) company that requests on behalf of a (~~(customer)~~) subscriber that the (~~(customer's—carrier)~~) subscriber's company be changed, and that seeks to provide retail services to the (~~(customer)~~) subscriber (submitting (~~(carrier)~~) company), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the (~~(customer's)~~) subscriber's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications (~~(carrier)~~) company to initiate a preferred (~~(carrier)~~) company change. The letter of agency, whether written or electronic, must be signed and dated by the (~~(customer)~~) subscriber of the telephone line(s) requesting the preferred (~~(carrier)~~) company change. The letter of agency (~~(shall)~~) must not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the (~~(customer)~~) subscriber is authorizing a preferred (~~(carrier)~~) company change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any (~~(carrier)~~) company designated in

a letter of agency as a preferred ~~((carrier))~~ company must be the ~~((carrier))~~ company directly setting the rates for the ~~((customer))~~ subscriber. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the ~~((customer))~~ subscriber:

(i) The ~~((customer))~~ subscriber billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The ~~((customer's))~~ subscriber's understanding of the change fee;

(iv) That the ~~((customer))~~ subscriber designates (name of ~~((carrier))~~ company) to act as the ~~((customer's))~~ subscriber's agent for the preferred ~~((carrier))~~ company change;

(v) That the ~~((customer))~~ subscriber understands that only one telecommunications ~~((carrier))~~ company may be designated as the ~~((customer's))~~ subscriber's intraLATA preferred ~~((carrier))~~ company; that only one telecommunications ~~((carrier))~~ company may be designated as the ~~((customer's))~~ subscriber's interLATA preferred ~~((carrier))~~ company; and that only one telecommunications ~~((carrier))~~ company may be designated as the ~~((customer's))~~ subscriber's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the ~~((customer's))~~ subscriber's choice for each preferred ~~((carrier))~~ company, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a ~~((customer))~~ subscriber take some action in order to retain the current preferred ~~((carrier))~~ company.

(b) The submitting ~~((carrier))~~ company has obtained the ~~((customer's))~~ subscriber's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred ~~((carrier))~~ company is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm the preferred ~~((carrier))~~ company change electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a ~~((customer))~~ subscriber to a voice response unit, or similar device, that records the required information regarding the change, including recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the

telemarketing representative has obtained the ~~((customer's))~~ subscriber's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the ~~((customer's))~~ subscriber's date of birth). A company or a company's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection with the third-party verifier has been established. The independent third party must not be owned, managed, controlled or directed by the ~~((carrier))~~ company or the ~~((carrier's))~~ company's marketing agent; and must not have any financial incentive to confirm preferred ~~((carrier))~~ company change orders for the ~~((carrier))~~ company or the ~~((carrier's))~~ company's marketing agent. The content of the verification must include clear and unambiguous confirmation that the ~~((customer))~~ subscriber has authorized a preferred ~~((carrier))~~ company change.

(2) Where a telecommunications ~~((carrier))~~ company is selling more than one type of telecommunications service (e.g., local exchange, intraLATA toll, and interLATA toll) that ~~((carrier))~~ company must obtain separate authorization, and separate verification, from the ~~((customer))~~ subscriber for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a ~~((customer's))~~ subscriber's authorization for a preferred ~~((carrier))~~ company change must be retained by the submitting ~~((carrier))~~ company, at a minimum, for two years to serve as verification of the ~~((customer's))~~ subscriber's authorization to change his or her telecommunications company. The documentation must be made available to the ~~((customer))~~ subscriber and to the commission upon request and at no charge. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) **Implementing order changes.** An executing ~~((carrier))~~ company may not verify directly with the ~~((customer))~~ subscriber the submission of a change in a ~~((customer's))~~ subscriber's selection of a provider received from a submitting ~~((carrier))~~ company. The executing ~~((carrier))~~ company must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting ~~((carrier))~~ company. An executing ~~((carrier))~~ company is any telecommunications ~~((carrier))~~ company that affects a request that a ~~((customer's-carrier))~~ subscriber's company be changed. Except as provided by contract, a telecommunications company must submit a preferred company change order on behalf of a subscriber within no more than sixty days of obtaining authorization.

This section does not prohibit any company from

investigating and responding to any ~~((customer-initiated))~~ subscriber-initiated inquiry or complaint.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a ~~((customer's))~~ subscriber's preferred ~~((carrier))~~ company selection unless the ~~((customer))~~ subscriber gives the ~~((carrier))~~ company from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the ~~((customer))~~ subscriber. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all ~~((customers))~~ subscribers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all ~~((customers))~~ subscribers of the availability of a preferred carrier freeze, no later than the ~~((customer's))~~ subscriber's first telephone bill, and once per year must notify all local exchange service ~~((customers))~~ subscribers of such availability on an individual ~~((customer))~~ subscriber basis (e.g., bill insert, bill message, or direct mailing).

(b) All ~~((carrier-provided))~~ company-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the ~~((customer))~~ subscriber will be unable to make a change in ~~((carrier))~~ company selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange ~~((carrier))~~ company may implement a preferred carrier freeze unless the ~~((customer's))~~ subscriber's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred ~~((carrier))~~ company, as described in subsections (1) and (2) of this section.

(d) All LECs must offer ~~((customers))~~ subscribers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A ~~((customer's))~~ subscriber's written or electronic authorization stating the ~~((customer's))~~ subscriber's intent to lift the freeze;

(ii) A ~~((customer's))~~ subscriber's oral authorization to lift the freeze. This option must include a mechanism that

allows a submitting ~~((carrier))~~ company to conduct a three-way conference call with the executing ~~((carrier))~~ company and the ~~((customer))~~ subscriber in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing ~~((carrier))~~ company must confirm appropriate verification data (e.g., the ~~((customer's))~~ subscriber's date of birth), and the ~~((customer's))~~ subscriber's intent to lift the freeze.

(iii) The LEC must lift the freeze within three business days of the subscriber request.

(e) A LEC may not change a ~~((customer's))~~ subscriber's preferred ~~((carrier))~~ company if the ~~((customer))~~ subscriber has a freeze in place, unless the ~~((customer))~~ subscriber has lifted the freeze in accordance with this subsection.

(6) **Remedies.** In addition to any other penalties provided by law, a submitting ~~((carrier))~~ company that requests a change in a ~~((customer's carrier))~~ subscriber's company without proper verification as described in this rule ~~((shall))~~ must receive no payment for service provided as a result of the unauthorized change and ~~((shall))~~ must promptly refund any amounts collected as a result of the unauthorized change. The ~~((customer))~~ subscriber may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment ~~((shall))~~ must be remitted to the ~~((customer's))~~ subscriber's authorized telecommunications company.

(7) **Exceptions.** Companies transferring ~~((customers))~~ subscribers as a result of a merger, purchase of the company, or purchase of a specific ~~((customer))~~ subscriber base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected ~~((customer))~~ subscriber at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the ~~((customer's))~~ subscriber's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the ~~((customer))~~ subscriber of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any ~~((carrier))~~ company change charges associated with the transfer;

(iv) The ~~((customer's))~~ subscriber's right to select a different company to provide the service(s);

(v) That the ~~((customer))~~ subscriber will be transferred even if the ~~((customer))~~ subscriber has selected a "freeze" on his/her ~~((carrier))~~ company choices, unless the ~~((customer))~~ subscriber chooses another ~~((carrier))~~ company before the



transfer date;

(vi) That, if the ((~~customer~~)) subscriber has a "freeze" on ((~~carrier~~)) company choices, the freeze will be lifted at the time of transfer and the ((~~customer~~)) subscriber must "refreeze" ((~~carrier~~)) company choices;

(vii) How the ((~~customer~~)) subscriber may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring ((~~carrier~~)) company.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected ((~~customers~~)) subscribers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected ((~~customers~~)) subscribers regarding such changes.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-161 Form of bills. (1) Bill frequency.** Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements upon customer request or upon indication that a payment arrangement is necessary, that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more (~~carriers~~) companies appear on the same telephone bill, the charges must be separated by service provider; (~~and~~)

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider; and

(e) The telephone bill must include the internet address (uniform resource locator) of the website containing the service provider's tariff or price list, if the service provider is a telecommunications company required to publish its tariff or price list on a website pursuant to WAC 480-80-206(2) (Price list availability to customers) or WAC 480-120-193 (Posting of tariffs for public inspection and review). This requirement may be satisfied by including the address of a website other than that of the telecommunications company itself, if the website provides access to the tariff or price list that applies to the service being billed.

For purposes of this subsection, "new service provider" means a service provider that did not bill the (~~subscriber~~) customer for service during the service provider's last billing cycle. This definition (~~shall~~) includes only providers that have continuing relationships with the (~~subscriber~~) customer that will result in periodic charges on the (~~subscriber's~~)

customer's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to ~~((the))~~ a reasonable customer.

**(5) Descriptions of billed charges.**

(a) The bill must include a brief, clear, nonmisleading, plain language description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific enough in content so that the customer can determine that the billed charges accurately reflect the service actually requested and received, including individual toll calls and services charged on a per-occurrence basis.

(b) The bill must identify and set out separately, as a component of the charges for the specific service, any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC).

(c) The bill must clearly delineate the amount or the percentage rate and basis of any tax assessed by a local jurisdiction.

**(6) Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which ~~((subscribers))~~ customers may inquire or dispute any charges on the bill. A ~~((carrier))~~ company may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the ~~((subscriber's))~~ customer's account and is fully authorized to resolve the ~~((consumer's))~~ customer's complaints on the ~~((carrier's))~~ company's behalf. Where the ~~((subscriber))~~ customer does not receive a paper copy of the ~~((customer's))~~ telephone bill, but instead accesses that bill only by e-mail or internet, the ~~((carrier))~~ company may comply with this requirement by providing on the bill an e-mail or website address. Each ~~((carrier))~~ company must make a business address available upon request from a ~~((consumer))~~ customer.

**(7) Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to ~~((, the following))~~:

(a) Rates for individual services;

(b) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and

(c) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

**(8) Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check

or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

(9) **Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) **Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) **Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

**WAC 480-120-166 Commission-referred complaints.** (1) Each company must keep a record of all complaints concerning service or rates for at least (~~three~~) two years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-07-910 (Informal complaints) or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-07-370 (Pleadings--General).

(4) When the commission staff refers an informal complaint

to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

~~((11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.))~~

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-172 Discontinuing service--Company initiated.**

(1) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds the customer has ~~((performed a))~~ used ~~((practice by))~~ deceptive means to initiate or continue service including, but not limited to:

- (a) Tampering with the company's property;
- (b) Using service through an illegal connection; or
- (c) Unlawfully using service or using service for unlawful purposes(~~(; or~~
- ~~(d) Obtaining service in another false or deceptive manner)).~~

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines the customer has:

- (i) Vacated the premises without informing the company;
- (ii) Paid a delinquent balance in response to a delinquency notice as described in subsection (7) of this section with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or
- (iii) Failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a) of this section.

(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if(~~(, in one or more of the following circumstances))~~:

- (a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or price list;
- (b) The company determines the customer has used customer-owned equipment that adversely affects the company's service to its other customers;
- (c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or price list of the company or another company with which it has a billing and collection agreement, except for

nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 (Telephone solicitation) or disputed third party-billed charges;

(d) The company is unable to substantiate the identity of the individual requesting service:

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification;

(ii) Company business offices and payment agencies, required under WAC 480-120-132 (Business offices) and 480-120-162 (Cash and urgent payments), must provide a means for applicants to provide identification at no charge to the applicant;

(e) The company determines the customer has received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons; or

(f) The company determines the customer is receiving service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and there is evidence that the applicant lived at the address while the overdue, unpaid prior obligation was incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(4) Except as provided in subsections (1), (2), and (3) of this section, a company may discontinue (~~(or restrict services only under the following circumstances)~~):

(a) (~~(A company may discontinue)~~) Basic service only for nonpayment of basic service charges;

(b) (~~(A company may discontinue)~~) Ancillary services only for nonpayment of ancillary charges or if the company properly discontinues basic service;

(c) (~~(A company may discontinue)~~) Interexchange access only for nonpayment of interexchange charges or if the company properly discontinues basic service:

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted;

(ii) The company may not charge fees for toll restriction when it has discontinued or restricted the customer's interexchange access service under this section;

(d) (~~(Companies may)~~) A company must not shift a rate plan

as a discontinuation method.

(5) When a company discontinues service to a customer, it must also discontinue billing for service as of the date of the discontinuation.

(6) **Medical emergencies.**

(a) When a local exchange company (LEC) has cause to discontinue residential basic service or has discontinued service, it must postpone total service discontinuation or reinstate toll-restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency, as described in (b) of this subsection. The LEC must reinstate service during the same day if the customer contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated, the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within five business days, stating that the discontinuation of basic service or restricted basic service would endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may ~~((not))~~ require ~~((more than the following information))~~ only:

(i) The address of the residence;

(ii) An explanation of how discontinuation of basic service or restricted basic service would endanger the physical health of the resident;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(c) The medical certification is valid only for the length of time the medical professional certifies the resident's health would be endangered, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the five-day grace period, the customer pay a minimum of twenty-five percent of the delinquent basic service balance or ten dollars, whichever is greater, and enter into an



agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restrict basic service without further notice if, within the five-day grace period, the customer fails to provide an acceptable medical certificate or pay the amount required under (d) of this subsection. The company may discontinue basic service or restrict basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must ensure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) **Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service in accordance with (a) through (c) of this subsection, except as ((described)) provided in subsection (1) of this section, ((as follows\*)) and except as provided in WAC 480-120-122(8).

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consents to this delivery method. A company must provide delivered notice by handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. ~~((A company must include the following information, at a minimum, in a))~~ The discontinuation notice must include, at a minimum:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed;

(vi) Information about how a customer can avoid disconnection under the medical emergency rules described in

subsection (6) of this section; and

(vii) The company's name, address, toll-free number, and TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the requirements of (a) of this subsection, or if ~~((it))~~ the company discovers it provided incorrect information on the notice, the company must restore service and issue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if ~~((it))~~ the company intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** A company must provide delivered notice handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery;

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(c) **Mailed notice.** The notice mailed by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the

telephone number called, the time of the call, and details of the results of each attempted call. The disconnection must not take place before 5:00 p.m. of the next business day after the phone calls or attempts.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must (~~take~~) make reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may

maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507 and 507A, filed 12/12/02 and 1/16/03, effective 7/1/03)

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

(1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected. In the case of deceptive ~~((practices))~~ means, as described in WAC 480-120-172 (1)~~((+a))~~, this means the customer has corrected the ~~((deceptive practice))~~ deception and has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the ~~((deceptive use))~~ deception, any applicable deposit, and any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service ~~((in a deceptive manner))~~ deceptively as described in WAC 480-120-172 (1)~~((+a))~~. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC ~~((480-120-173-1)(b))~~ 480-120-174(1) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit and reconnection fee, have been made~~((.~~ ~~Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-120-122))~~ as provided in WAC 480-120-122 (Establishing credit--Residential services) and 480-120-174 (Payment arrangements); or

(c) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premises visit for reconnection must be restored within one business day; and

(b) Service(s) that require((s)) a premises visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

(3) A company may refuse to restore service to a customer who has been discontinued twice for deceptive ((practices)) means as described in WAC 480-120-172 (1)((+a)) for a period of five years from the date of the second disconnection, subject to petition by the customer to the commission for an order requiring restoration of service based on good cause.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-174 ((Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.)) Payment arrangements.** (1)

**General.** Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first installment of a deposit is paid as provided for in WAC 480-120-122 (Establishing credit--Residential services).

**(2) Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.** Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service--Company initiated) if the customer was not a participant in either the Washington telephone assistance

program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this ~~((section))~~ subsection, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020 (Washington telephone assistance program rate), agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

~~((2))~~ In the event a customer receiving service under this ~~((section))~~ subsection fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges or over a longer period than described in this rule as long as both the company and the customer agree to the payment arrangement. Longer payment arrangements as described in this subsection satisfy the requirements in subsection (1) or (2) of this section.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

**WAC 480-120-196 Customer notice requirements--  
Competitively classified telecommunications companies or  
services.** This rule sets out requirements in specific circumstances for notices that companies must provide to customers when services are provided under price list.

(1) A company must provide customer notice before the effective date of changes to the price list for competitively classified companies or competitively classified services.

(a) The company must provide notice to each affected customer at least ten days before the effective date when a company proposes to:

- (i) Increase rates;
- (ii) Decrease rates; or
- (iii) Change terms or conditions.

The company must measure the ten-day period from the time the notice is mailed to all customers or appears in the newspaper or on the website.

(b) Each customer notice must include, at a minimum:

- (i) The effective date;
- (ii) A clear description of changes to rates and services;
- ((and))
- (iii) A company contact number where customers can seek additional information; and

(iv) The internet address (uniform resource locator) of the website where the company's price list is posted, unless the company is not required by WAC 480-80-206(2) (Price list availability to customers) to post its price list.

(c) For increase in rates or a material change of terms and conditions a company must provide notice by bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers, or, if a company has the capability and the customer has authorized, by e-mail.

(d) For changes not covered by (c) of this subsection. A company must provide notice by:

- (i) Any method listed in (c) of this subsection;
- (ii) Publishing the notice in one or more newspapers of general circulation for the affected areas; or
- (iii) Posting the notice on the website on which the price list is available to the public.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(3) As an alternative to the customer notice required by this rule, a company may propose another form of customer notice. The commission's public affairs officer must approve any such notice in advance.

(4) Within ten days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include:

- (a) The methods used to post, publish, and/or give notice to customers;
- (b) When the notice was first posted, published, and/or issued to customers; and
- (c) A copy of the notice.

NEW SECTION

**WAC 480-120-202 Customer proprietary network information.**

(1) The commission adopts by reference the Federal Communications Commission's rules codified at sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations (47 CFR §§ 64.2003 through 64.2009), concerning protection of Customer Proprietary Network Information, for application to all telecommunications carriers providing wireline, intrastate telecommunications service in Washington. The effective date for these sections is stated in WAC 480-120-999 (Adoption by reference).

(2) Telecommunications carriers providing wireline, intrastate telecommunications service in Washington shall provide the commission with the same notice that carriers are required to provide the Federal Communications Commission under 47 CFR § 64.2009(f).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-253 Automatic dialing-announcing device (ADAD).** (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed; (~~and~~)



(b) ~~((~~±~~))~~ The ADAD automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver~~((~~-~~))~~; and

(c) The ADAD does not dial ~~((unlisted telephone numbers (except as provided in this subsection),))~~ designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:00 a.m. or after 9:00 p.m. ~~((An ADAD may dial an unlisted number if the ADAD is being used to deliver the name, telephone number, or brief message of a calling party to a called party when the called party's line was busy or did not answer.))~~

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify, in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-262 Operator service providers (OSPs).** (1)  
Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service provider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to (~~customers~~) consumers in billing or

completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a (~~customer's~~) consumer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for consumer complaints and the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by an OSP (whether by a presubscribed or other provider), the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges for a particular call exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, would exceed, for any duration of the call, the sum of fifty cents multiplied by the duration of the call in minutes plus fifty cents. For example, an OSP's charges would exceed the benchmark rate if any of these conditions were true:

(i) Charges for a one-minute call exceeded one dollar;

(ii) Charges for a five-minute call exceeded three dollars;

or

(iii) Charges for a ten-minute call exceeded five dollars and fifty cents.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin.

The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Emergency calls.** For purposes of emergency calls, every OSP must be able to transfer the caller into the appropriate E911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made. The OSP must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call. The OSP must provide a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(9) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by

the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(10) **Suspension.** The commission may suspend the registration of any company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

#### NEW SECTION

**WAC 480-120-349 Retaining and preserving records and reports.** (1) Companies must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999.

NEW SECTION

**WAC 480-120-359 Companies not classified as competitive.**

(1)(a) For accounting purposes, each company not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32 (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999 (Adoption by reference). Each company not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies must not use Class B accounting.

(2) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Each company not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in subsection (2) of this section. Each company not classified as competitive must maintain subsidiary accounting records for:

(i) Residential basic service revenues;

(ii) Business basic service revenues;

(iii) Access revenues for each universal service rate element;

(iv) Special access revenues; and

(v) Switched access revenues.

(c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Each company not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the employees use the sick leave.

(ii) Each company not classified as competitive must keep records for:

(A) Compensated absences that are actually paid; and

(B) Compensated absences that are deductible for federal

income tax purposes.

(d) Each company not classified as competitive that has multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

(f) Part 32 section 32.11 (d) and (e) are replaced by WAC 480-120-034.

(g) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in WAC 480-120-034.

(3) The commission does not require Part 32 section 32.2000 (b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-402 Safety.** The plant and all facilities of utilities (~~shall~~) must be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the (~~current~~) National Electric Safety Code (~~in effect on January 1, 1991~~). Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999 (Adoption by reference). All instrumentalities and equipment (~~shall~~) must be installed and maintained with due consideration to the safety of the (~~subscribers~~) customers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, (~~shall~~) must be expeditiously corrected.



AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-414 Emergency operation.** (1) (~~All companies~~) Each company must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

(a) Local network operations center;

(b) Regional network operations center; or

(c) Emergency operations center.

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

**WAC 480-120-439 Service quality performance reports.** (1) **Class A companies.** Each Class A (~~companies~~) company must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. (~~Companies~~) Each company must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105 (Company performance standards for installation or activation of access lines), 480-120-112 (Company performance for orders for nonbasic services), 480-120-133 (Response time for calls to business

office or repair center during regular business hours), 480-120-401 (Network performance standards), 480-120-411 (Network maintenance), and 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages).

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been completed and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services).

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The report must include orders with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) (~~A separate report must be filed~~) The company must file a separate report each calendar quarter that states the total number of orders taken, by central office, in that quarter

for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) ~~((A separate report must be filed))~~ The company must file a separate report each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

(c) A company may exclude from the total number of orders taken and the total number of uncompleted orders for the month:

(i) Orders for which customer-provided special equipment is necessary;

(ii) When a later installation or activation is permitted under WAC 480-120-071 (Extension of service);

(iii) When a technician arrives at the customer's premises at the appointed time prepared to install service and the customer is not available to provide access; or

(iv) When the commission has granted an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC), from the requirement for installation or activation of a particular order(~~(, may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month))~~).

(d) For calculation of the report of orders installed or activated within five business days in a month, a company may exclude from the total number of orders taken and from the total number of uncompleted orders for the month, orders that could not be installed or activated within five days in that month due to force majeure (~~(may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month))~~) if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive

actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438 (Trouble report standard). The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438 (~~((Trouble report standard))~~). The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a) (Switches--Dial service), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** (~~(Companies)~~) Each company that experiences trunk blocking in excess of the standard in WAC 480-120-401 (3) (Interoffice facilities) and (5) (Service to interexchange (~~(carriers)~~) companies) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the problem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.**

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages), (~~(companies)~~) each company must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must

report the number of interruptions that are exempt from the repair interval standard((s)) as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, ((companies)) each company must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, ((companies)) each company must report compliance with the standard required in WAC 480-120-133 (Response time for calls to business office or repair center during regular business hours). If requested, ((companies)) each company must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.** "Private branch exchange (PBX)" means customer premises equipment installed on the (~~(subscriber's)~~) customer's premises that functions as a switch, permitting the (~~(subscriber)~~) customer to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to a PSAP and is used to retrieve the automatic location information (ALI) for a PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location associated with the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller's ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base

management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. The LEC may offer methods for maintaining station location information that are not internet-based (~~((may be offered))~~) in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. (~~Records must be forwarded~~) The LEC must forward the records to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

(~~Records that do not post to the DBMS because of address errors must be corrected~~) The LEC must correct records that do not post to the DBMS because of address errors within two working days (~~((unless))~~). If modifications are necessary to the audit tables of the master street address guide, ((in which case the record must be resubmitted)) the LEC must resubmit the record within one business day of notification that the master street address guide has been updated.

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

(3) LECs choosing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and supporting cost studies or price lists, whichever applies, that specify the charges and terms for E911 services.

(4)(a) The LEC must permit PBX customers who choose to maintain their own E911 data base(~~((τ))~~) or contract that maintenance to a third party, (~~((must be permitted to do so))~~) if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

AMENDATORY SECTION (Amending Order R-450, Docket No. UT-970325, filed 9/23/98, effective 12/21/98)

**WAC 480-120-540 Terminating access charges.** (1)(a) Except for any universal service rate allowed pursuant to subsection ~~((+3+))~~ (1)(b) of this section, the rates charged by a local exchange company for terminating access ~~((shall))~~ service offered by tariff must not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access ((shall)) must not exceed the cost of the terminating access service being provided.

~~((+2+))~~ (b) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(2) The rates charged by a local exchange company for terminating access service offered by price list must not exceed the rates charged by the incumbent local exchange company for terminating access service in the comparable geographic area. For purposes of this subsection, the rates charged by the incumbent local exchange company include any universal service rate charged pursuant to subsection (1)(b) of this section.

(3) The cost of the terminating access ((shall)) must be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and ((shall)) must not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

~~((+3) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.))~~

(4) Definitions.

(a) "Access charge" means a rate charged by a local



exchange ((~~carrier~~)) company to an interexchange ((~~carrier~~)) company for the origination, transport, or termination of a call to or from a customer of the local exchange ((~~carrier~~)) company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost ((~~shall~~)) must not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or price lists (as appropriate) to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) American National Standards for Telecommunications -  
"Network Performance Parameters for Dedicated Digital Services -

*Specifications*" (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services - Specifications*" is a copyrighted document. Copies are available from the publisher and third-party vendors.

(2) *The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics* (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from the publishers.

(3) *The National Electrical Safety Code* is published by the IEEE.

(a) The commission adopts the version in effect (~~in 1997~~) on January 1, 2002.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from the publishers and from third-party vendors.

(4) *Title 47 Code of Federal Regulations*, cited as 47 CFR, is published by the United States Government Printing Office, except sections 64.2003 through 64.2009.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC (~~480-120-302 and 480-120-322~~) 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports).

(c) Copies of Title 47 Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

(5) Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations, cited as 47 CFR §§ 64.2003 through 64.2009, are published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2002.

(b) This publication is referenced in WAC 480-120-202 (Customer Proprietary Network Information).

(c) Copies of Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-201	Definitions.
WAC 480-120-203	Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.
WAC 480-120-204	Opt-in approval required for use, disclosure, or access to customer I-CPNI.
WAC 480-120-205	Using customer proprietary network information (CPNI) in the provision of services.
WAC 480-120-206	Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls.
WAC 480-120-207	Use of private account information (PAI) by company or associated companies requires opt-out approval.
WAC 480-120-208	Use of customers' private account information (PAI) to market company products and services without customer approval.
WAC 480-120-209	Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out).
WAC 480-120-211	Mechanisms for opting out of use of private customer account information (PAI).
WAC 480-120-212	Notice when express (opt-in) approval is required and mechanisms for express approval.
WAC 480-120-213	Confirming changes in customer approval status.
WAC 480-120-214	Duration of customer approval or

	disapproval.
WAC 480-120-215	Safeguards required for I-CPNI.
WAC 480-120-216	Disclosing CPNI on request of customer.
WAC 480-120-302	Accounting requirements for companies not classified as competitive.
WAC 480-120-322	Retaining and preserving records and reports.