

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Request for Petition of)	DOCKET UT-990401
Waiver of Administrative Rules for)	
GTE NORTHWEST, INC.)	ORDER GRANTING WAIVER IN PART
)	OF WAC RULE 480-120-141 (2)(b)
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.....)	
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On July 28, 2000, GTE Northwest, Inc., (now Verizon Northwest Inc., or "Verizon") filed an amendment to a previously-filed petition asking for a waiver of WAC 480-120-141 (2)(b) as it relates specifically to inmate phones. Verizon seeks a permanent waiver, only at correctional facilities, and only for calls from an inmate originating an operator-assisted (collect) call, of the portion of the rule requiring automatic rate disclosure.

DISCUSSION

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

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

The Commission believes this is a reasonable request as long as Verizon always announces and

makes available to the receiver of the collect call automatic access to a rate quote as required by the rule. Further, if the receiver of a collect call from an inmate chooses to access the rate prompt, both parties will hear the quoted rate.

FINDINGS

THE COMMISSION FINDS:

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

ORDER

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

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

WILLIAM R. GILLIS, Commissioner