

**STAFF INVESTIGATION
INTO THE BUSINESS PRACTICES OF
Tel West Communications, LLC**

Docket No. UT-040572

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May 2004**

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of Docket UT-040572 is an investigation into the business practices of Tel West Communications, LLC (Tel West), by the Staff of the Washington Utilities and Transportation Commission (the Commission). Specifically, the investigation focuses on the company's practices when adding a preferred carrier freeze to a customer account and the company's responses to Commission Staff during the course of an informal complaint.

Scope

The scope of the investigation focuses on informal complaints filed with the Consumer Affairs Section of the Commission by customers of Tel West from July 2003 through April 2004.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 80.01.040, which directs the Commission to regulate telecommunications companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. The Commission has adopted such rules in Washington Administrative Code (WAC) 480-120-147(5), which sets requirements for companies placing preferred carrier freezes on customer accounts, and WAC 480-120-166, which sets requirements for companies in responding to Commission-referred customer complaints. In addition, RCW 80.04.070 makes it clear that the Commission is authorized to conduct such an investigation. Appendix A includes copies of the appropriate laws and rules.

BACKGROUND

Introduction

This investigation was initiated due to a review of customer complaints filed with the Commission, where Staff alleged Tel West violated WAC 480-120-147(5) because the company failed to obtain customer authorization prior to adding a local preferred carrier freeze to the customer's account, and WAC 480-120-166 because the company failed to respond to Commission-referred complaints within the time required by rule.

Company Information

Tel West filed an application for registration as a competitive telecommunications company on September 25, 1998. The Commission issued the order authorizing registration and granting the petition on October 28, 1998, under Docket No. UT-981258. The application for registration shows Tel West is a California limited liability company, headquartered in Monrovia, California. The Commission issued an order on September 24, 1999, in Docket UT-991129, classifying Tel West as a competitive telecommunications company. For 2003, Tel West reported 8,691 access lines and a gross intrastate operating revenue of \$3.4 million.

Focus of the Investigation

As part of the investigation, Staff investigated seventy-seven consumer complaints filed with the Commission between July 2003 and April 2004. Staff's investigation focused on two areas:

- Preferred Carrier Freeze: Did Tel West obtain customer authorization prior to adding a preferred carrier freeze to a customer's account?
- Response to Commission-Referred Complaints: Did Tel West respond to informal complaints relayed by Staff as required by Commission rules?

PREFERRED CARRIER FREEZE

Rule Requirements

WAC 480-120-147(5)¹ - Changes in local exchange and intrastate toll services, Preferred carrier freezes states, in part:

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

This mirrors the FCC's requirement in 47 CFR Ch.1, § 64.1190 - Preferred carrier freezes, which states, in part:

“(2) No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

- (i) The local exchange carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1190(d)(3); or
- (ii) The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze...; or
- (iii) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in § 64.1190(d)(3)(ii)(A) through (D)...”

Staff Contacts with the Company

Consumer Affairs Staff, who work with complaints on a daily basis, are clearly aware of the requirements of WAC 480-120-147(5). Staff provides technical assistance to companies, including Tel West, by informing the company of the rule requirements within the text of an informal complaint. In addition, Staff provides technical assistance to companies, including Tel West, by informing the company, again within the text of an informal complaint, when Staff records an alleged violation of Commission rules.

On August 28, 2003, in Complaint 85015, when asked by Staff to provide verification that a customer ordered a local preferred carrier freeze, Tel West's Regulatory

¹ Although revised rules for telecommunications companies went into effect in July 2003, this requirement was not revised and is not a new requirement.

Compliance Consultant, Don Taylor, sent an electronic mail message (email) to John Cupp, Consumer Affairs Staff. The email stated, in part, "The customer does not order the local service freeze. Tel West orders this as a standard feature on all of its Qwest lines."

Mr. Cupp replied by informing Mr. Taylor of the preferred carrier freeze requirements in WAC 480-120-147(5) on September 2, 2003. Staff's e-mail stated, in part, "Please be informed that a local service freeze may not be added to an account in Washington without an order from the customer. Per WAC 480-120-147(5)(c): 'No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.'"

Over the next few months, Consumer Affairs Staff continued to provide guidance to Tel West regarding preferred carrier freezes in the course of consumer complaints, as follows:

- October 2, 2003 - Consumer Complaint #84496: Roger Kouchi, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements in WAC 480-120-147(5). Staff's email stated in part, "WAC 480-120-147(5) requires documentation of a PIC freeze on a consumer's account. Please provide the required documentation (i.e., LOA, 3rd party verification, or electronic verification)."
- October 17, 2003 – Consumer Complaint #84532: Sheri Hoyt, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements. Staff's email stated, in part: "WAC 480-120-147(5) refers to Preferred carrier freezes. As you know, all local exchange companies (LECs) must offer preferred carrier freezes. Offers or solicitations for freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The LEC must obtain separate authorization for each service for which a preferred carrier freeze is requested. In accordance with (5)(c), no LEC may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carriers (see subsections (1) and (2) of WAC 480-120-147)."
- December 4, 2003 – Consumer Complaint #86385: Mike Meeks, Consumer Affairs Staff, emailed company representative Don Taylor, informing Mr. Taylor that a violation of WAC 480-120-147(5)(c) was noted because the, "Company could not produce verification documentation for local freeze."

On December 12, 2003, Business Practices Investigations Staff sent a data request to Tel West that included the following:

"WAC 480-120-147 requires that all local exchange companies offer a preferred

carrier freeze. Please describe Tel West's policies or procedures in meeting these requirements."

Mr. Taylor, on behalf of Tel West, requested until February 15, 2004, to respond to the data request.

In the meantime, Consumer Affairs Staff repeatedly advised Tel West of the requirements of WAC 480-120-147(5) through consumer complaints, as follows:

- January 20, 2004 - Consumer Complaint #86836: Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers on January 20, 2004, informing Mr. Meyers of a violation. The email stated, in part, "...I have recorded a violation of WAC 480-120-147(5)(c) for Tel West's failure to get the proper authorization for the PIC freeze."
- January 20, 2004 – Consumer Complaint #86904: Roger Kouchi, Consumer Affairs Staff, sent an email to company representative Matt Meyers. The email stated, in part, "Mat Meyers - I have recorded a violation of WAC 480-120-147(5)(c) for Tel West's failure to document the authorization for the PIC Freeze. Please feel free to contact me if you have questions. Thank you." (The entire text of WAC 480-120-147(5) was also provided.)
- January 22, 2004 – Consumer Complaint #87032: Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers, informing Mr. Meyers of a violation. The email stated, in part, "Mat Meyers - I have recorded a violation of WAC 480-120-147(5) because the company failed to properly confirm the consumer's authorization for the preferred carrier freeze."
- January 23, 2004 – Consumer Complaint #84971: Gail Griffin-Wallace, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements. Staff's email stated, in part: "You indicated that the customer had a freeze on the account which prevented customer from migrating to another company. WAC 480-120-147(5) says that express consent must be given by the customer." Violation noted.
- February 6, 2004 – Consumer Complaint #87487: Lori Kanz, Consumer Affairs Staff, sent an email to company representative Matt Meyers. The email stated, in part, "If you are unable to provide a TPV authorizing the local carrier freeze, note a violation of WAC 480-120-147(5) (see below)." (The entire text of WAC 480-120-147(5) was also provided.)
- February 12, 2004 – Consumer Complaint #87474: Gail Griffin-Wallace, Consumer Affairs Staff, emailed company representative Mat Meyers, informing Mr. Meyers of a violation. The email stated, in part, "I am recording a violation of WAC 480-120-147, for failure to obtain consumer consent to place freeze."
- February 12, 2004 – Consumer Complaint #87687: Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers. The email stated, in part, "I'll be citing a violation of WAC 480-120-147(5) as Tel West failed to get proper authorization for the local exchange freeze placed on the customer's service."

- February 12, 2004 – Consumer Complaint #87717: Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers on February 12, 2004. The email stated, in part, “I’ll be citing a violation of WAC 480-120-147(5) as Tel West failed to get proper authorization for the local exchange freeze placed on the customer’s service.”

On February 13, 2004, Don Taylor responded to the Business Practices data request on behalf of Tel West. The response stated, in part:

“After a customer has agreed to purchase Tel West’s local exchange services, the customer is transferred to a Third Party Verification (“TPV”) company separate from and not affiliated with Tel West for verification of the customer’s desire to have local service transferred from the customer’s current service provider to Tel West and. This TPV conversation is scripted and recorded to ensure the customer’s understanding and acceptance of rates, terms and conditions of Tel West’s services, and includes information that a preferred carrier freeze will be placed on the customer’s line to prevent unauthorized transfer of service to another provider. The customer is also advised during the TPV conversation that the customer may, at their option, call Tel West at any time to request immediate removal of the service freeze.”

Despite being informed of the requirements of WAC 480-120-147(5) on 12 separate occasions by Consumer Affairs staff prior to sending its response to the data request, Tel West indicated in its response that it was not the company’s policy or practice to obtain authorization prior to placing a local preferred carrier freeze on a customer’s account.

Consumer Affairs Staff continued to advise Tel West Staff of the preferred carrier freeze requirement through the end of February, as follows:

- February 13, 2004 – Consumer Complaint #87418: Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers on February 13, 2004, informing Mr. Meyers of a violation. The email stated, in part, “Mat Meyers - I have recorded a violation of WAC 480-120-147(5)(c) for the company’s failure to get specific authorization for the PIC line freeze placed on this consumer’s account.”
- February 24, 2004 – Consumer Complaint #87667: Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers. The email stated, in part, “I will be citing one violation of WAC 480-120-147(5). The WAC states, ‘The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.’”
- February 24, 2004 – Consumer Complaint #87696: Mike Meeks, Consumer Affairs Staff, emailed company representative Mat Meyers. The email stated, in part, “Everything about the TPV was proper with the exception of the procedure for implementing the local freeze. I am issuing a violation of WAC 480 120 147(5)(c).”

Business Practices Staff requested additional information from Tel West on March 31, 2004. The supplemental data request asked the company to: 1) provide a list of all new Tel West customers since September 1, 2003; 2) for each of these new customers, indicate if Tel West placed a local service freeze on the customer's account; and, 3) for each new customer account where Tel West placed a local service freeze, provide proof of the customer's authorization of the freeze (i.e., written authorization or third-party verification recording).

Don Taylor responded on behalf of Tel West on April 21, 2004. According to Mr. Taylor, the response documents contained:

- "A paper list of all new Tel West customers since September 1, 2003, with columns showing (a) the account telephone number; (b) whether a local service freeze was placed on the account; (c) the Third Party Verification ("TPV") file number, if applicable; and, (d) the compact disk number on which the TPV file is located.
- Seventeen (17) numbered compact disks containing; (a) the TPV files authorizing the transfer of each customer's service to Tel West; and (b) an Excel spreadsheet (on Disk #17) with the same information as the paper list of new Tel West customers since September 1, 2003."

Staff reviewed the information provided by Tel West. The TPVs provided by Tel West are apparently third-party verifications for the customers' choice to switch telephone service to Tel West. Although there were 17 disks provided to Staff, the preferred local carrier freeze was either not mentioned during the verification and/or not authorized by the customer on disks 1-13, and a portion of disk 14. The TPVs provided by Tel West on those disks do not verify the customers' choice to place a preferred carrier freeze on the customer's service. However, Tel West states it placed a preferred local carrier freeze on these accounts.

In addition, the number of customer accounts on the list provided by Tel West do not match the number of TPVs on each disk. For example, for Disk 1, the list indicates that Disk 1 contains TPVs for 110 customer accounts where Tel West placed a preferred carrier freeze. However, Disk 1 itself contained a total of 278 TPV recordings. This is true for each of the 17 disks provided by Tel West – each disk contains more TPV recordings than Tel West provided on the list that accompanies the disk.

On the lists provided, there are a total of 3,210 customers accounts where Tel West states it placed a preferred carrier freeze, and an additional 1,389 TPVs from customers

not noted on company's list². Staff can only assume that the number of customers for which Tel West actually placed a preferred local carrier freeze totals 4,599 (3,210 plus 1,389). For 78 customer accounts listed, Tel West states it is "unknown" whether a preferred carrier freeze was placed on the customer's account.

The following chart details what Staff found on the disks provided by Tel West:

	Freeze Placed Without Authorization	Freeze Placed With Authorization	Company Does Not Know If Freeze Was Placed	TPV On Disk But Not on List	Total
Disk 1	110	0	0	168	278
Disk 2	178	0	0	119	297
Disk 3	219	0	0	98	317
Disk 4	213	0	0	98	311
Disk 5	220	0	0	102	322
Disk 6	197	0	0	108	305
Disk 7	205	0	0	101	306
Disk 8	246	0	0	71	317
Disk 9	217	0	0	89	306
Disk 10	202	0	0	96	298
Disk 11	221	0	0	69	290
Disk 12	224	0	0	80	304
Disk 13	218	0	0	70	288
Disk 14	145	77	11	57	290
Disk 15	0	233	20	37	290
Disk 16	0	27	47	17	91
Disk 17	0	43	0	9	52
"Unknown"	15	0	0	0	15
	2830	380	78	1389	4677

Staff Findings

After listening to the TPV recordings provided, Staff finds that Tel West did not begin requesting authorization for placing a preferred carrier freeze from its customers until approximately March 1, 2004, despite having been advised repeatedly of this requirement by Consumer Affairs staff since September 2003.

From the information provided by the company, Staff finds that Tel West placed a preferred carrier freeze on at least 2,830 customer accounts between September 2, 2003,

² In a meeting with Tel West on May 20, 2004, company representative Don Taylor explained that the additional TPVs not noted on the company's list consisted of sales that did not complete because customers did not meet credit requirements, because the customer decided, prior to installation, that he/she did not want service, etc.

the first date that Staff provided technical assistance to the company, and February 29, 2004, without the customers' authorization.

RESPONSE TO COMMISSION-REFERRED COMPLAINTS

In December 2002, the Commission adopted new rules governing telephone companies. These rules became effective July 1, 2003. The Commission sent copies of the new rules to all registered telecommunications companies, including Tel West.

Rule Requirements

WAC 480-120-166 states, in part:

- “(6) 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...
- (7) 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...
- (8) Unless another time is specified in this rule or unless commission staff specified 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.”

Staff Contacts with the Company

Consumer Affairs Staff, who work with complaints on a daily basis, are clearly aware of the two-day, five-day, or three-day response requirements of WAC 480-120-166. Staff provides technical assistance to companies, including Tel West, by informing the company of the rule requirements within the text of an informal complaint. In addition, Staff provides technical assistance to companies, including Tel West, by informing the company, again within the text of an informal complaint, when Staff records an alleged violation of Commission rules.

Roger Kouchi, Consumer Affairs Staff, first sent an email message to company representative Chris Sturgul, informing him of the response time requirements in WAC 480-120-166, on July 18, 2003, in complaint 84179. Staff’s email stated, in part, “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 [WAC 480-120-166(6)]. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly). 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 [WAC 480-120-166(7)]. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.”

In addition, Diana Otto, Consumer Affairs Staff, notified company representative Chris Sturgul of a violation on October 28, 2003, stating, in part, "WAC 480-120-166(8) for failing to respond timely to a request for additional information made on 9/30/03. By 10/28/03, the company had still not answered the request." Staff attempted additional contacts by email on November 17 and November 19.

By December 15, 2003, the company still had not responded. Commission Secretary Carole Washburn sent a letter to Mr. Sturgul stating the following, in part:

"Dear Mr. Sturgul:

On September 30, 2003, Diana Otto, Commission staff, electronically mailed a message to you requesting additional information regarding the complaint filed by (*name withheld*), complaint number 84816. Tel West did not respond to Ms. Otto's request. Ms. Otto then followed up with additional electronic messages to you for the additional information on October 28, November 17, and November 19, 2003.

WAC 480-120-166 (8) Commission-referred complaints (copy enclosed), requires Tel West Communications, LLC. (Tel West) to respond to requests for additional information within three business days. It has now been nearly 10 weeks since the request.

Late responses to Commission-referred complaints will be cited as a violation of WAC 480-120-166(8). The Commission may impose penalties of up to \$1,000 per day for each violation of the rule. Staff is recording one violation of the rule at this time. Failure to reply to this complaint on or before December 22, 2003, will cause daily violations of the rule to be recorded until a response is received."

Staff spoke with Mr. Sturgul regarding this letter on December 22, 2003, and requested additional information from the company. On December 30, 2003, Staff sent another email to Mr. Sturgul. The email stated, in part, "Chris, I've not had a response from you since my 12/22/03 discussion and follow-up email in which I explained what I needed in relation to the compliance letter mailed to you on 12/15/03. It's a violation of WAC 480-120-166(8) which requires requests for additional information to be responded to within 3 business days."

Analysis of Informal Complaints and Notification of Response Violations

For the purpose of this investigation, Staff selected those complaints filed with the Commission beginning in July 2003, after the Company had received copies of the

revised rule and Consumer Affairs Staff had provided assistance to Tel West personnel. In its investigation, Staff reviewed a total of 77 complaints filed with the Commission by customers of Tel West from July 2003 through April 2004. The chart below outlines Tel West's late responses in Commission-referred complaints during that time:

Late Response to Commission Complaints - July 2003 – April 2004

	<i>Complaint #</i>	<i>Date Opened or Date Information Requested</i>	<i>Date Company Was Required to Respond</i>	<i>Date Company Responded</i>	<i># of Days Beyond Response Required Due Date</i>
1.	84179	7/2/03	7/4/03	7/25/03	15
2.	84316	7/10/03	7/15/03	7/22/03	5
3.	84816	9/30/03 12/22/03	10/6/03 12/30/03	12/22/03 1/12/04	53 8
4.	85015	8/13/03	08/15/03	8/25/03	8
5.	85585	9/26/03 10/14/03 1/7/04 4/14/04	10/03/03 10/17/03 1/12/04 4/19/04	10/10/03 12/12/03 3/29/04 4/20/04	4 36 52 1
6.	85590	9/19/03	9/29/03	9/30/03	1
7.	86836	12/15/03	12/22/03	12/23/03	1
8.	86938	12/22/03 12/30/03	12/29/03 1/5/04	1/12/04 1/12/04	10 6
9.	87034	1/14/04	1/19/04	1/23/04	4
10.	87343	3/25/04	3/30/04	4/21/04	16
11.	87362	1/27/04	1/30/04	2/4/04	3
12.	87418	1/26/04	2/2/04	2/4/04	2
13.	87487	1/29/04	2/3/04	2/4/04	1
14.	87670	2/13/04 3/30/04	2/18/04 4/5/04	3/29/04 4/12/04	28 6
15.	87687	2/18/04	2/23/04	2/27/04	4
16.	87759	3/12/04	3/17/04	3/26/04	7
17.	87780	2/18/04 3/12/04	2/20/04 3/17/04	2/27/04 3/22/04	5 3
18.	87843	2/20/04	2/27/04	3/1/04	1
19.	88004	3/22/04	3/25/04	3/29/04	2
20.	88011	3/3/04	3/10/04	3/16/04	4
21.	88017	3/12/04	3/17/04	3/25/04	6
22.	88034	3/4/04 4/13/04	3/11/04 4/20/04	3/22/04 4/21/04	8 1
23.	88112	3/9/04	3/11/04	3/19/04	6
24.	88144	3/10/04	3/12/04	3/22/04	6
25.	88145	3/10/04	3/17/04	3/23/04	4
26.	88159	3/11/04	3/17/04	3/22/04	3
27.	88188	3/12/04	3/17/04	3/25/04	6
28.	88198	3/12/04 3/30/04	3/19/04 4/2/04	3/29/04 4/12/04	6 6

	<i>Complaint #</i>	<i>Date Opened or Date Information Requested</i>	<i>Date Company Was Required to Respond</i>	<i>Date Company Responded</i>	<i># of Days Beyond Response Required Due Date</i>
29.	88200	3/15/04	3/22/04	3/29/04	5
30.	88212	3/15/04 3/30/04	3/22/04 4/2/04	3/30/04 4/9/04	6 5
31.	88214	3/15/04 3/31/04	3/18/04 4/5/04	3/30/04 4/9/04	8 4
32.	88215	3/15/04	3/18/04	3/29/04	7
33.	88258	3/17/04	3/24/04	4/21/04	20
34.	88546	3/30/04	4/6/04	4/12/04	4
Total					397

Staff Findings

Staff finds that in 34 of the 77 complaints, the company did not respond within the two-day, three-day, or five-day requirement when Staff referred complaints or requested additional information, despite the fact that Staff repeatedly reminded the company of these requirements³.

³ See Appendix C for a detailed description of the technical assistance provided to Tel West by Consumer Affairs Staff.

**SUMMARY
VIOLATIONS AND POTENTIAL PENALTIES**

Violations: 2830 violations of WAC 480-120-147 (5)(c) – Preferred Carrier Freeze

Potential Penalties: 2830 violations at \$100 per violation = \$283,000

Violations: 397 violations of WAC 480-120-166 – Commission-Referred Complaints

Potential Penalties: 397 violations at \$100 per violation = \$39,700

Total Potential Penalty: \$322,700

APPENDIX A

§ 64.1190 Preferred carrier freezes.

- (a) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.
- (b) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.
- (c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.
- (d) *Solicitation and imposition of preferred carrier freezes.*
 - (1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:
 - (i) An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;
 - (ii) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in §§ 64.1120 and 64.1130 for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze.
 - (iii) An explanation of any charges associated with the preferred carrier freeze.
 - (2) No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:
 - (i) The local exchange carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1190(d)(3); or
 - (ii) The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in §§ 64.1190(d)(3)(ii)(A) through (D). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or
 - (iii) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in § 64.1190(d)(3)(ii)(A) through (D). The independent third party must not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.
 - (3) *Written authorization to impose a preferred carrier freeze.* A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.
 - (i) The written authorization shall comply with §§ 64.1130(b), (c), and (h) of the Commission's rules concerning the form and content for letters of agency.

- (ii) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:
 - (A) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;
 - (B) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;
 - (C) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and
 - (D) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(e) *Procedures for lifting preferred carrier freezes.* All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

- (1) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written or electronically signed authorization stating his or her intent to lift a preferred carrier freeze; and
- (2) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the subscriber's intent to lift the particular freeze.

[64 FR 7762, Feb. 16, 1999, as amended at 66 FR 12893, Mar. 1, 2001]

RCW 80.01.040

General powers and duties of commission.

The utilities and transportation commission shall:

- (1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81 RCW, or by any other law.
- (2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.
- (3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telecommunications companies, and water companies.
- (4) Make such rules and regulations as may be necessary to carry out its other powers and duties.

RCW 80.04.070

Inspection of books, papers, and documents.

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such

company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection.

WAC 480-120-147 Changes in local exchange and intrastate toll services.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a customer's preferred carrier selection unless the customer gives the carrier from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all customers. 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 of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-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 will be unable to make a change in carrier 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 may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

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

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

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

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

(6) **Remedies.** In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer 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 be remitted to the customer's authorized telecommunications company.

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 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 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.

(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) 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) 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.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-166, filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-166, filed 12/12/02, effective 7/1/03.]

Appendix B

Preferred carrier freeze - Consumer Affairs Staff advised Tel West of the requirements in WAC 480-120-147(5) in the following complaints:

	Date	Complaint	Technical Assistance Provided and/or Violation Noted
1	9/2/03	85015	<p>John Cupp, Consumer Affairs Staff, emailed company representative Don Taylor. Staff's email stated, in part, "Please be informed that a local service freeze may not be added to an account in Washington without an order from the customer.</p> <p>Per WAC480-120-174(5)(c): "No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section."</p>
2.	10/2/03	84496	<p>Roger Kouchi, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements in WAC 480-120-147(5) on October 2, 2003. Staff's email stated in part, "WAC 480-120-147(5) requires documentation of a PIC freeze on a consumer's account. Please provide the required documentation (i.e., LOA, 3rd party verification, or electronic verification)."</p>
3.	10/17/03	84532	<p>Sheri Hoyt, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements on October 17, 2003. Staff's email stated, in part: "WAC 480-120-147(5) refers to Preferred carrier freezes. As you know, all local exchange companies (LECs) must offer preferred carrier freezes. Offers or solicitations for freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The LEC must obtain separate authorization for each service for which a preferred carrier freeze is requested. In accordance with (5)(c), no LEC may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carriers (see subsections (1) and (2) of WAC 480-120-147)." Violation noted</p>
4.	12/4/03	86385	<p>Mike Meeks, Consumer Affairs Staff, emailed company representative Don Taylor on December 4, 2003, informing Mr. Taylor that a violation of WAC 480-120-147(5)(c) was noted because the, "Company could not produce verification documentation for local freeze."</p>
5.	1/20/04	86904 Martinescu	<p>Roger Kouchi, Consumer Affairs Staff, sent an email to company representative Matt Meyers. The email stated, in part, "Mat Meyers</p>

	Date	Complaint	Technical Assistance Provided and/or Violation Noted
			- I have recorded a violation of WAC 480-120-147(5)(c) for Tel West's failure to document the authorization for the PIC Freeze. Please feel free to contact me if you have questions. Thank you." (The entire text of WAC 480-120-147(5) was also provided.)
6.	1/20/04	86836	Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers on January 20, 2004, informing Mr. Meyers of a violation. The email stated, in part, "...I have recorded a violation of WAC 480-120-147(5)(c) for Tel West's failure to get the proper authorization for the PIC freeze."
7.	1/22/04	87032 Armstrong	Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers on January 22, 2004, informing Mr. Meyers of a violation. The email stated, in part, "Mat Meyers - I have recorded a violation of WAC 480-120-147(5) because the company failed to properly confirm the consumer's authorization for the preferred carrier freeze."
8.	1/23/04	84971	Gail Griffin-Wallace, Consumer Affairs Staff, emailed company representative Chris Sturgul, informing Mr. Sturgul of the preferred carrier freeze requirements on January 23, 2004. Staff's email stated, in part: "You indicated that the customer had a freeze on the account which prevented customer from migrating to another company. WAC 480-120-147(5) says that express consent must be given by the customer." Violation noted.
9.	2/6/04	87487	Lori Kanz, Consumer Affairs Staff, noted a violation on February 6, 2004, stating, "The company was unable to provide a TPV indicating that the customer authorized the local carrier freeze in compliance with this WAC."
10.	2/12/04	87474	Gail Griffin-Wallace, Consumer Affairs Staff, emailed company representative Mat Meyers on February 12, 2004, informing Mr. Meyers of a violation. The email stated, in part, "I am recording a violation of WAC 480-120-147, for failure to obtain consumer consent to place freeze."
11.	2/12/04	87687	Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers on February 12, 2004. The email stated, in part, "I'll be citing a violation of WAC 480-120-147(5) as Tel West failed to get proper authorization for the local exchange freeze placed on the customer's service."
12.	2/12/04	87717	Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers on February 12, 2004. The email stated, in part, "I'll be citing a violation of WAC 480-120-147(5) as Tel West failed to get proper authorization for the local exchange freeze placed on the customer's service."
13.	2/13/04	87418 Emmert	Roger Kouchi, Consumer Affairs Staff, emailed company representative Mat Meyers on February 13, 2004, informing Mr. Meyers of a violation. The email stated, in part, "Mat Meyers - I have recorded a violation of WAC 480-120-147(5)(c) for the company's failure to get specific authorization for the PIC line

	Date	Complaint	Technical Assistance Provided and/or Violation Noted
			freeze placed on this consumer's account."
14.	2/24/04	87667	Sheri Hoyt, Consumer Affairs Staff, emailed company representative Mat Meyers on February 24, 2004. The email stated, in part, "I will be citing one violation of WAC 480-120-147(5). The WAC states, "The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested."
15.	2/24/04	87696	Mike Meeks, Consumer Affairs Staff, noted a violation on February 24, 2004, stating: "TPv. did not include customer option for local service freeze. Freeze was applied without consent."

Appendix C

Commission-referred complaints - Consumer Affairs Staff advised Tel West of the two-day, three-day or five-day requirements in WAC 480-120-166 in the following complaints:

	Complaint	Technical Assistance Provided and/or Violation Noted
1.	84179	<p>Roger Kouchi, Consumer Affairs Staff, emailed company representative Chris Sturgul on July 18, 2003. The email stated, "Chris Sturgul - 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 [WAC 480-120-166(6)]. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).</p> <p>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 [WAC 480-120-166(7)]. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.</p> <p>Passed complaint on 7/2/03. - 7/18 no response. Recorded violation of WAC 480-120-166(7)."</p>
2.	84316	<p>Sheri Hoyt, Consumer Affairs Staff, emailed company representatives Chris Sturgul and Don Taylor on July 22, 2003. The email stated, in part, "This complaint was passed on July 10, 2003. As this is a service affecting complaint, per WAC 480-120-166(6), Tel West's response was due within two business days -- by July 15."</p>
3.	84816	<p>Diana Otto, Consumer Affairs Staff, notified company representative Chris Sturgul of a violation on October 28, 2003, stating, in part, "WAC 480-120-166(8) for failing to respond timely to a request for additional information made on 9/30/03. By 10/28/03, the company had still not answered the request." Staff attempted additional contacts by email on November 17 and November 19.</p> <p>By December 15, 2003, the company still had not responded. Commission Secretary Carole Washburn sent a letter to Mr. Sturgul stating the following:</p> <p style="padding-left: 40px;">Dear Mr. Sturgul:</p> <p style="padding-left: 40px;">On September 30, 2003, Diana Otto, Commission staff, electronically mailed a message to you requesting additional information regarding the complaint filed by ___, complaint number 84816. Tel West did not respond to Ms. Otto's request. Ms. Otto then followed up with additional electronic messages to you for the additional information on October 28, November 17, and November 19, 2003.</p> <p style="padding-left: 40px;">WAC 480-120-166 (8) Commission-referred complaints (copy enclosed),</p>

		<p>requires Tel West Communications, LLC. (Tel West) to respond to requests for additional information within three business days. It has now been nearly 10 weeks since the request.</p> <p>Late responses to Commission-referred complaints will be cited as a violation of WAC 480-120-166(8). The Commission may impose penalties of up to \$1,000 per day for each violation of the rule. Staff is recording one violation of the rule at this time. Failure to reply to this complaint on or before December 22, 2003, will cause daily violations of the rule to be recorded until a response is received.</p> <p>Please direct any question you may have and your response to Diana Otto by facsimile at 360-664-4291, by telephone at 360-664-1104, by email at dotto@wutc.wa.gov, or by U.S. Postal service to the above shown Commission address.</p> <p>Staff spoke with Mr. Sturgul on December 22, 2003, and requested additional information from the company. On December 30, 2003, Staff sent another email to Mr. Sturgul. The email stated, in part, "Chris, I've not had a response from you since my 12/22/03 discussion and follow-up email in which I explained what I needed in relation to the compliance letter mailed to you on 12/15/03. It's a violation of WAC 480-120-166(8) which requires requests for additional information to be responded to within 3 business days."</p>
4.	85015 Monson	<p>John Cupp, Consumer Affairs Staff, emailed company representative Chris Sturgul on August 19, 2003. The email stated, in part, "A response to this complaint was due within two business days. To date I have not received your response. I have noted a violation of WAC 480-120-166(6), which states that, in a service-affecting complaint, a company must report its findings within two business days. I will note a violation of this WAC for each additional date that I do not receive a response."</p> <p>By August 25, 2003, the company still had not responded. Staff cited additional violations, stating, "In a service-affecting complaint, a company must report its findings within two business days. Complaint was passed 8/13, response due 8/15. On 8/19, a violation was noted, company was informed that I would note a violation of this WAC for each additional date that I did not receive a response. On 8/25, I informed the company that an additional four violations were noted, for a total of five, because I had still not received a response."</p>
5.	85585	<p>Tani Thurston, Consumer Affairs Staff, emailed company representative Don Taylor on April 21, 2004. The email stated, in part, "4 Violations: WAC 480-120-166(7) Failure to respond to complaint within 5 business days. Passed complaint to company on 9-26. Response due on 10-3. Response received on 10-10 One violation for each day response was late.</p> <p>89 Violations: WAC 480-120-166(8) Failure to provide response for request for additional information within 3 business days.</p>

		<p>1) 10-14-03 requested additional information. Response due on 10-17. Received response on 12-12-03. 36 days.</p> <p>2) 1-7-04 Requested additional information. Response due on 1-12-04. Received response on 3-29-04. 52 days.</p> <p>3) 4-14 Requested additional information. Response due on 4-19. Received response on 4-20. 1 day.</p> <p>One violation for each day response was late.”</p>
6.	85590 Stanfield	<p>Roger Kouchi, Consumer Affairs Staff, emailed company representative Chris Sturgul on September 30, 2003. The email stated in part, “Company failed to respond within 5 business days. Passed complaint on 9/19/03. Initial response due not later than 8 a.m., 9/29/03. - 9/30/03 still no response. - Recorded violation of WAC 480-120-166(7) (7) 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.”</p>
7.	86836	<p>Roger Kouchi, Consumer Affairs Staff, emailed company representative Chris Sturgul on December 23, 2003. The email stated in part, “I have recorded a violation of WAC 480-120-166(7) for failure to respond within the required 5 business days. Please provide the required initial response. 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 [WAC 480-120-166(7)]. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.”</p>
8.	86938	<p>Diana Otto, Consumer Affairs Staff, emailed company representatives Chris Sturgul and Don Taylor on January 12, 2004. The email stated, in part, “Chris, on 12/22/03, I emailed this complaint to you. The same day, you advised me that you would have a copy of the TPV tape by 12/23/03. On 12/30/03, I emailed you asking if you'd received it yet. To date, I've had no information from you on the complaint investigation. I'm recording a violation for failure to respond timely to the complaint initially - WAC 480-120-166(7), which requires you to provide results of the investigation within 5 business days. I'm also recording a violation of WAC 480-120-166(8) for failure to respond within 3 business days to my 12/30/03 request for additional information. This rule requires a response within 3 business days.”</p>
9.	87034 Dowling	<p>Lynda Johnson, Consumer Affairs Staff, emailed company representative Matt Meyers on January 23, 2004. The email stated in part, “This complaint can be closed with one violation of WAC 480-120-166(8), the 3-day response to additional inquiry rule.”</p>
10.	87343	<p>DJ Suits, Consumer Affairs Staff, emailed company representatives Matt Meyers and Don Taylor on April 14, 2004. The email stated in part, “Mat, I e-mailed you on 3/25 requesting additional information. To date, I've not received a response. I will be noting daily violations of WAC 480-120-166(8), company failed to respond to the commission staff for additional information within three business days.”</p>

		Ms. Suits also emailed company representative Don Taylor on April 22, 2004. The email stated, in part: "Don, I've closed the informal complaint with the customer and the commission. I've noted the following violations: =16 violations of WAC 480-120-166(8), company failed to respond to the commission staff for additional information within three business days. Requested additional information on 3/25/04. Response due on 3/30/04. Received response on 4/21/04."
11.	87362	Roger Kouchi, Consumer Affairs Staff, emailed company representative Matt Meyers on February 4, 2004. The email stated, in part, "I am recording a violation of WAC 480-120-166(8) for failure to respond to staff's request for additional information within the required 3-business days. - Requested info on 1/27/04. Still no response to date."
12.	87418 Emmert	Roger Kouchi, Consumer Affairs Staff, emailed company representative Matt Meyers on February 3, 2004. The email stated in part, "I have recorded a violation of WAC 480-120-166(7) for failure to provide the initial response within the required 5 business days...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 [WAC 480-120-166(7)]. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes."
13.	87487	Lori Kanz, Consumer Affairs Staff, emailed company representative Matt Meyers on February 5, 2004. The email stated in part, "Please note a violation of WAC 480-120-166(6). The initial response was due within 2 business days."
14.	87670	Mike Meeks, Consumer Affairs Staff, noted response rule violations on April 13, 2004, as follows: "Company did not respond timely to request for additional information. Requested tpv in a different format on 2-13. Did not receive the response until 3-29. Total count for this violation is 28. Additionally, on 3-30 I requested more information but didn't get a response until 4-12. This accounts for 6 violations of the rule. Total is 34 violations of the 3 day response rule."
15.	87687	Sheri Hoyt, Consumer Affairs Staff, emailed company representatives Matt Meyers and Don Taylor on February 5, 2004. The email stated in part, "I have not received a response from you to my February 18, email (below). I will be citing daily violations of WAC 480-120-166(8) beginning tomorrow morning at 8:00 a.m., until I have received your response to this consumer's newest issues."
16.	87759	Roger Kouchi, Consumer Affairs Staff, emailed company representative Don Taylor, stating, "Don Taylor - Requested response from Tel West. I listed to the TPV on 3/12/04. I did NOT hear the consumer authorized Tel West to place a local line freeze on the account. Made 2 followup requests on 3/19/04 and 3/26/04. Company did not respond until 3/26/04. Recorded violation of WAC 480-120-166 (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."
17.	87780	Sheri Hoyt, Consumer Affairs Staff, emailed company representatives Chris Sturgul, Matt Meyers, and Don Taylor on February 25, 2004. The email stated in part, "This complaint was passed to Tel West on 2/18/04. Tel West's response was due, in accordance with WAC 480-120-166(6), no later than 5pm on 2/20/04. As this customer's complaint is service-affecting (he is prohibited from switching to

		<p>his preferred phone company), your response was due within two business days. I will be alleging violations for each day that the response is not received by the Commission. As of today, I have cited 3 (February 20, 23, and 24)."</p> <p>Staff sent another email to company representatives Chris Sturgul and Don Taylor on March 19, 2004. The email stated, in part, "I have cited 2 violations for Tel West's failing to respond to my request for additional information made on March 12. Your response was due March 17. Yesterday, March 18, I sent an email stating I would begin alleging violations if Tel West failed to respond by the end of the day. I will continue alleging violations each business day until I receive a response."</p>
18.	87843 Staley	Roger Kouchi, Consumer Affairs Staff, emailed the company on March 1, 2004. The email stated in part, "Mat or Chris - Recorded violation of WAC 480-120-166(7). Company failed to provide initial response within the required 5 business days. - Passed complaint on 2/20/04. - 3/1/04 still no response."
19.	88004	DJ Suits, Consumer Affairs Staff, emailed company representative Don Taylor on April 27, 2004. The email stated in part, "Don... I've noted the following violations: Staff requested information on 3/22/04 response due on 3/25/04 received response on 3/29/04. Two violations of WAC 480-120-166(8), company failed to respond to commission staff with additional information within three business days."
20.	88011	Sheri Hoyt, Consumer Affairs Staff, emailed company representatives Chris Sturgel, Matt Meyers, and Don Taylor on April 8, 2004. The email stated, "Tel West's response to this request for additional information was due by 5:00pm, April 7. I have not received that response. I have alleged 1 violation of WAC 480-120-166(8). I will be alleging one violation per day until such time as I have received a response to my request for clarification."
21.	88017	Sheri Hoyt, Consumer Affairs Staff, emailed company representatives Chris Sturgel and Don Taylor on March 24, 2004. The email stated, in part, "Please be aware I have alleged 4 violations of WAC 480-120-166(8) for your failure to respond in accordance to the rules to my March 12, request for additional information. One violation per day will be alleged until such time as I have received your response."
22.	88034	DJ Suits, Consumer Affairs Staff, emailed company representative Don Taylor on May 3, 2004. The email stated, in part, "I have noted the following violations: 8 violations of WAC 480-120-166(7), the initial response was due on 3/11/04. I received the response on 3/16/04 and the response was incomplete. See activity dated 3/16/04. I received the complete response on 3/22/04. 1 violation of WAC 480-120-166(8), company failed to respond to the request of information. I requested the information on 4/13/04. The response was due on 4/20/04. I received the response on 4/21/04."
23.	88112	Gail Griffin-Wallace, Consumer Affairs Staff, emailed Tel West. The email stated, "The response to this complaint is now past due. A violation of WAC 480-120-166 has been recorded. I will continue to record violations each day until you response is received."
24.	88144	DJ Suits, Consumer Affairs Staff, emailed company representative Don Taylor on May 5, 2004. The email stated, in part, "I have noted the following violations: = Six violations of WAC 480-120-166(6)

		<p>Company failed to report the results of the investigation to staff within two business days. Response due on 3/12/04 Received on 3/22/04 =One violation of WAC 480-120-147(5)(c) Company implemented a local freeze on the customer's account without acquiring the customer's authorization."</p>
25.	88145	<p>Sheri Hoyt, Consumer Affairs Staff, emailed company representative Chris Sturigel on March 29, 2004. The email stated, in part, "I will be citing a violation of WAC 480-120-147(5) as the customer did not give express consent for the LEC freeze. Justin, with Capital Verification, stated it would be placed on the service. The customer was not asked for her consent."</p>
26.	88159	<p>Lynda Johnson, Consumer Affairs Staff, emailed company representative Don Taylor on April 29, 2004. The email stated, in part, "One violation of WAC 480-120-166(7), the 5-day non-service effecting response rule. Complaint sent on 3/11/04, initial response received on 3/22/04."</p>
27.	88188	<p>Sheri Hoyt, Consumer Affairs Staff, emailed company representative Chris Sturigel on March 19, 2004. The email stated, in part, "This complaint was passed to Tel West on March 12. As it is a service-affecting complaint, Tel West's response was due March 17 - please see WAC 480-120-166(6). I have alleged 2 violations of the rule. I will allege one violation per business day until such time as I have received Tel West's initial response to this complaint."</p>
28.	88198 Goon	<p>Lynda Johnson, Consumer Affairs Staff, emailed company representative Don Taylor on April 20, 2004. The email stated, in part, "One violation of 480-120-166(7), late initial response. Complaint sent 3/12/04, initial response received 3/29/04. One violation of 480-120-166(8), late response to request for additional information. Requested TPV for local PIC freeze on 3/30/04. Received TPV of customer agreeing to switch service (did not include local PIC freeze) on 4/12/04."</p>
29.	88200	<p>Gail Griffin-Wallace, Consumer Affairs Staff, noted violations on March 30, 2004, "Complaint was passed on 3/15. Complaint was not service affecting and response was due within 5 business days. The initial company response was not received until 3/29."</p> <p>Ms. Griffin-Wallace also sent an email to company representative Don Taylor on April 22, 2004. The email stated, in part, "Don, This request was sent to Chris 3/15. He has not responded."</p>
30.	88212	<p>Mike Meeks, Consumer Affairs Staff, emailed Tel West staff on March 29, 2004. The email stated, in part, "I passed this complaint to Tel West on 3-15 but have no record of a response. Please advise."</p> <p>Mr. Meeks also emailed Tel West staff on April 9, 2004. The email stated, in part, "I have recorded 2 violations of 480 120 166 (8) for not responding to this request for more information timely."</p>
31.	88214	<p>Mike Meeks, Consumer Affairs Staff, emailed Tel West staff on March 15, 2004, stating: "Service affecting complaint, please respond within 3 working days. Thanks." On March 29, 2004, Mr. Meeks emailed Tel West again, stating: "I have no record of a response to this complaint. Please advise." Mr. Meeks noted violations as follows: "Passed complaint on 3-15. Did not receive response until 3-</p>

		30. “ Mr. Meeks emailed Tel West staff again on April 9, 2004, stating “I am recording 2 violations of 480 120 166 (8) for not responding timely to my request for the TPV on 3-31.”
32.	88215	Gail Griffin-Wallace, Consumer Affairs Staff, noted violations on March 30, 2004, stating: “Customer complaint was passed on 3/15/04. This was a service affecting complaint and response was due within two business days. Company's initial response was not received until 3/29/04.”
33.	88258	DJ Suits, Consumer Affairs Staff, emailed Tel West staff on April 14, 2004. The email stated, in part: “Chris, this complaint was passed on 3/17/04. The response was due on 3/24/04. Until a response is received, I'm noting daily violations of WAC 480-120-166(7), company failed to response to commission staff within two business days.”
34.	88546	Sheri Hoyt, Consumer Affairs Staff, emailed Tel West staff on April 8, 2004. The email stated, in part, “I have cited 2 violations for this complaint. Tel West's initial response to this complaint was due by 5:00pm, April 6. I have not received that response. I will be alleging daily violations of WAC 480-120-166(7) until such time as I have received Tel West's response.”