

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Eligible Telecommunications Carrier
(ETC) Rulemaking (CR-102)

DOCKET NO. UT-053021

CR-102 COMMENTS OF PUBLIC COUNSEL

Attorney General of Washington

MAY 3, 2006

I. INTRODUCTION

The Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) files these comments in response to the Washington Utilities and Transportation Commission's (Commission) April 3, 2006, *Notice of Opportunity to Submit Written Comments on Proposed Rule*. In order to make a complete record, Public Counsel hereby incorporates by reference its prior comments in this docket.

II. COMMENTS

A. Draft Rule WAC 480-123-030(e) - Contents of Petition for ETC Status

Public Counsel is concerned that the reference to the "Lifeline" program only and no other telephone assistance programs, in subsection (e) of this draft rule, is unduly narrow. For example, there is no mention of the Link-Up program, Tribal programs (Tribal Lifeline and Tribal Link-Up), or the Washington Telephone Assistance Program (WTAP). In Washington, the federal Lifeline discount is offered through WTAP, and thus WTAP is essentially the Lifeline program in our state. All ETCs in the state, including wireless ETCs, must offer WTAP, pursuant to WAC 480-122-020.

We therefore recommend that this subsection be clarified to refer to all assistance programs, including WTAP and federal assistance programs. Our suggested language is underlined in the section provided below:

(e) A statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including but not limited to advertisement of Lifeline and Link-Up programs, Tribal Lifeline and Tribal Link-Up, and the Washington Telephone Assistance Program in a manner that is reasonably calculated to reach low-income consumers not receiving discounts;

Draft Rule WAC 480-123-030(h) – Contents of Petition for ETC Status

Public Counsel respectfully submits that the draft language in subsection (h) of this rule, that wireless carriers indicate they will comply with the Cellular Telecommunications and Internet Association’s Consumer Code (CTIA), is insufficient to ensure service quality. This code has not been universally accepted as a standard by which the service quality provided by wireless carriers can accurately and uniformly be held accountable. In nearly every aspect, CTIA’s Consumer Code lacks specificity and true standards for measurement.¹

If a wireless carrier chooses to petition the Commission for ETC designation, that carrier should be prepared to provide meaningful service quality data to the Commission as part of its petition. All carriers, including wireless carriers, presumably already gather data on their service quality. With respect to wireless carriers this might include data on dropped calls, service coverage and clarity. The carrier may generate this data as part of the maintenance and oversight of its network infrastructure, and/or it may compile data based on categories of consumer complaints. We recommend that wireless carriers provide this data to the Commission as part of their petitions, and suggest that data collected for the previous two-year period is reasonable. Our recommended language is in the underlined text:

¹ We refer the Commission to our prior comments and in particular, the filing dated June 8, 2005, in which we outlined some wireless service quality issues.

(h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, all data gathered by or on behalf of the wireless carrier regarding its service quality during the prior two year period. Wireless carriers shall also provide a commitment to comply with the Cellular Telecommunications and Internet Association’s (CTIA) Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.

C. Draft Rule WAC 480-123-070(4) – Annual Certifications and Reports

Public Counsel strongly supports subsection (4) of this proposed rule; however, we believe that it should be modified slightly so that a wider range of information will be provided to the Commission. This will result in a more accurate portrayal of the quality of service actually provided. Limiting the scope of the inquiry only to complaints related to “local service” in an industry with many complex service options and varied descriptions of these options could too easily exclude complaints that are nevertheless related to local service or the Commission’s service quality standards. For example, a customer may have DSL billing complaint, and when she attempts to contact the carrier’s toll-free customer service center, she is passed around from person to person and never get her initial complaint resolved. If that consumer contacts the FCC or the Consumer Protection division of the Attorney General’s office, the complaint may be categorized as a DSL complaint, even though it is a dual complaint that also addresses customer service.

We therefore recommend that all of the complaint information from the FCC and the Attorney General’s office be provided to the Commission, and the Commission can then determine what data is relevant.

D. Draft rule 480-123-070(7) – Annual Certifications and Reports

While the CR-102 Notice indicates that the Commission has not added any measures to improve enrollment in the Washington Telephone Assistance Program (WTAP), Public Counsel

encourages the Commission to continue its pursuit of better connecting consumers with the services offered by their carriers. In response to the prior proposed rules, carriers resoundingly indicated that they already take part in intensive outreach efforts, yet these efforts still only garner a fraction of the eligible participants. Certainly, there is room for improvement upon current practices. This rulemaking process has begun an important conversation between stakeholders about WTAP and all of the issues that complicate outreach to eligible consumers. We believe that this underserved population would benefit significantly if the Commission were to continue this conversation formally in the form of an advisory group related to WTAP and other telephone assistance programs. This group would bring together the various stakeholders to openly discuss how to improve upon current practices.

Focusing on low-income outreach is always important but it is especially so at this time. As we mentioned in our earlier comments, the FCC and NARUC recently developed "Lifeline Across America," a nationwide program to draw more low-income consumers into federal and state Lifeline and Link-up programs. The work of an advisory group at the state level could significantly benefit from and contribute to the activities and findings of these nationwide efforts currently underway.

III. CONCLUSION

Public Counsel respectfully requests that the Commission consider these comments as it concludes this rulemaking.