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STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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April 30, 1991

TO INTERESTED PERSONS:

RE: DOCKET NO. 900726:

Staff has considered the oral and written comments and has made some changes in the noticed draft, which it expects to recommend to the Commission at the May 8, 1991, open meeting.

Please note that this draft is only a staff document. Among the provisions which the staff expects the Commission to study critically is whether local exchange companies should be included within the AOS definition. A second is whether charges, including location surcharges, should be limited on local calls to the rate charged by the local exchange company for its own per-call service. Language to accomplish this is added at page 26, for discussion purposes.

While staff does not now intend to make further changes prior to presentation to the Commission, such changes are possible. Staff expresses its appreciation for information presented by a great number of persons. That information enabled staff to make a number of technical changes, to meet some of the concerns of nearly every commenter and to highlight the policy and practical issues in an enlightened manner.

If you have questions or further comments you would like to address to the staff prior to the open public meeting, you are encouraged to call either Bob Wallis at (206) 753-6404 or Pat Dutton at (206) 753-2126.

We are also including a brief summary sheet comparing the principal provisions of the recent FCC rules with those of the enclosed draft. The summary is intended merely to highlight major similarities and differences, and is neither an exhaustive list nor an exhaustive presentation of each issue.

Sincerely,

Paul Curl  
Secretary

01541

COMPARISON: FCC RULES v. WUTC STAFF DRAFT

"FCC" column: federal rules adopted April 9.  
("OSP" -- operator service provider)

"WUTC" column: staff April 29 discussion draft.  
("AOS" -- alternate operator service company)

FCC

"Aggregator" defined

Branding: requires OSPs to brand with carrier's name. To 1/14/94, double branding is required.

Posting: Aggregators must post consumer information: Name, address, toll free No. of OSP; written disclosure that rate information is available and of right to preferred IXC; name and address of FCC. Defers to similar State rules.

Enforcement: OSPs must ensure that aggregators don't block 1-800 and 950 IXC access. Must withhold commissions for blocking. Failure to ensure blocking compliance is a violation.

Splashing: Call splashing is prohibited unless consumer knowingly agrees.

Surcharges: Aggregators are prohibited from charging a larger surcharge on IXC calls than on presubscribed OSP calls.

Emergencies: OSPs are required to connect emergency calls immediately.

WUTC

"Aggregator" defined

Branding: requires AOSs to brand with carrier's name. Double branding is required--no time limit. Must use the carrier's name as registered with the Commission.

Posting: Aggregators must post consumer information: Name, address, without-charge No. of AOS; notice that rates may be higher than normal and of right to preferred IXC. Must also post location surcharge and amount.

Enforcement: AOSs must require compliance with rules including IXC access. Must withhold commissions for blocking. Failure to assure compliance is a violation.

Splashing: Call splashing is prohibited.

Location Surcharges: No restriction on aggregator location surcharges collected by the aggregator; those collected by the AOS must be tariffed. [Possible local call price limit.]

Emergencies: AOSs are required to connect emergency calls immediately or route 0+ calls to the LEC.

DRAFT

AMENDATORY SECTION (Amending Order R-293, filed 1/31/89)

WAC 480-120-021 GLOSSARY. Alternate operator services company - any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators. The term "operator services" in this rule means any intrastate telecommunications service provided to a call aggregator location that includes as a component any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than (1) automatic completion with billing to the telephone from which the call originated, or (2) completion through an access code used by the consumer with billing to an account previously established by the consumer with the carrier. ((places including but not limited to, hotels, motels, hospitals, campuses, and customer-owned pay telephones. Alternate operator services companies are those with which a hotel, motel, hospital, campus, or customer-owned pay telephone, etc., contracts to provide operator services to its clientele.))

Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1)(a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Billing agent - A person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.

Base rate area or primary rate area - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Call aggregator - a person who, in the ordinary course of its operations, makes telephones available for intrastate service to the public or to users of its premises, including but not limited to hotels, motels, hospitals, campuses, and pay telephones.

Central office - switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission (agency) - In a context meaning a state agency, the Washington utilities and transportation commission.

Commission (financial) - in a context referring to

compensation for telecommunications services, a payment from an AOS company to an aggregator based on the dollar volume of business, usually expressed as a percentage of tariffed message toll charges.

Competitive telecommunications company - a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.

Competitive telecommunications service - a service which is classified as such by the commission pursuant to RCW 80.36.330.

Consumer (~~Customer~~) - user not classified as a subscriber.

Exchange - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line - outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station - a telephone instrument installed and in use on a farmer line.

Interexchange telecommunications company - a telecommunications company, or division thereof, that does not provide basic local service.

Location surcharge - a flat, per-call charge assessed by or on behalf of a call aggregator in addition to message toll charges, local call charges, and operator service charges. When a location surcharge is collected by an alternate operator services company it is remitted, in whole or in part, to its call aggregator-customer.

Operator service charge - a charge, in addition to the measured toll rate or local call rate, assessed for use of a calling card, a credit card or for automated or live operator service in completing a call.

Outside plant - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station - a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station - a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility - any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of

Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

AMENDATORY SECTION (Amending Order R-293, filed 1/31/89)

WAC 480-120-106 FORM OF BILLS. Bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the alternate operator service company's billing agent and, where feasible, within ninety days after the effective date of this rule, the provider of the alternate operator service ((or its authorized billing agent)) and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address where they can write to question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall in turn, upon receiving it, provide a copy of this list to the commission for its review whenever a carrier is added or deleted.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of

such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

AMENDATORY SECTION (Amending Order R-316, filed 3/23/90)

WAC 480-120-138 PAY TELEPHONES--LOCAL AND INTRASTATE. Every telecommunications company operating an exchange within the state of Washington may allow pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission setting rates and conditions applicable to the connection of pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, collect, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations. The term does not include in-room telephones provided by hotels, motels, hospitals, campuses or similar facilities for the use of guests or residents.

For purposes of these rules, the term "subscriber" is defined as a party requesting or using a public access line for the purpose of connecting a pay telephone to the telephone network.

(1) Pay telephones connected to the company network must comply with Part 68 of the Federal Communications Commission rules and regulations and the ((current)) National Electric Code and National Electric Safety Code as they existed on January 1, 1991, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access the operator and 911 where available without the use of a coin.

(4) ((The subscriber shall pay the local directory assistance charge currently in effect for each pay telephone and may charge the user for directory assistance calls.)) The charge for each directory assistance call paid by the ((user)) consumer shall not exceed the ((current)) prevailing per call charge ((paid by the subscriber)) for directory assistance. In the absence of persuasive contrary evidence, the charge of U S WEST Communications for intraLATA directory assistance or AT&T for interLATA directory assistance shall be accepted as the prevailing charge. A location



~~surcharge is not permitted. The charge for sent-paid access to local exchange calls, 1-800 and interexchange carrier service shall not exceed twenty-five cents.~~

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted on each pay telephone.

(6) Information consisting of the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) ~~"An accurate quotation of all rates and surcharges is available to the user by ((dialing '0')) (insert appropriate method) and requesting costs." The method by which the consumer may obtain without charge an accurate quotation of rates and surcharges; and~~

(b) The notices required by WAC 480-120-141 ((-1)) (4)(a). In no case will the charges to the user exceed the quoted costs.

(7) The telephone number of the pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All pay telephones must ~~((be capable of providing))~~ provide access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply, ~~where available, (a) restriction where available, which prevents fraud to the by selective blocking of 10XXX 1+ codes and (b) call screening to identify the line as one to which charges may not be billed,~~ at appropriate tariffed rates.

(11) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) Pay telephones shall be connected only to public access

lines in accordance with the approved tariffs offered by the local exchange company. Local exchange company pay telephones are not subject to this requirement.

(13) A subscriber must order a separate pay telephone access line for each pay telephone installed. Extension telephones may be connected to a pay telephone access line when the instrument:

(a) Prevents origination of calls from the extension station; and

(b) Prevents third party access to transmission from either the extension ((~~of~~)) or the ((~~coin-operated~~)) pay telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to pay telephone service, or other requirements contained in these rules, including interexchange carrier access requirements, will subject the pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber. WAC 480-120-081(4)(g) shall not apply to such disconnections. Local Exchange Company field visits shall be charged to the subscriber if the charge is required by a pertinent local exchange company tariff.

It shall be the responsibility of every local exchange company to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local exchange company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local exchange company to provide free of charge one current telephone directory each year for each public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.

Public access lines will be charged at rates according to the relevant tariff as approved by the commission.

(19) Disconnection of, or refusal to connect, a pay telephone for violation of these rules may be reviewed by the Commission in a formal complaint under WAC 480-09-420(5) through a brief adjudicative proceeding under the provisions of RCW 34.05.482-491 and WAC 480-09-500.

AMENDATORY SECTION (Amending Order R-293, filed 1/31/89)

WAC 480-120-141 ALTERNATE OPERATOR SERVICES. All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall ~~((conform to))~~ comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission. ((Alternate operator services companies (AOS) are those with which a hotel, motel, hospital, prison, campus, customer-owned pay telephone, etc., contracts to provide operator services to its clientele.)) Alternate operator service provided to the inmates of state or local penal or correctional facilities or jails are exempt from compliance with the provisions of any rule inconsistent with RCW 9.73.095 or an equivalent ordinance, so long as the charges for service are no higher than the prevailing charges for operator services.

(1) Each alternate operator services company shall file with the commission at least every six months a current list of operator services customers which it serves and the locations and telephone numbers to which such service is provided to each customer. A customer list provided pursuant to this rule is proprietary information and, if identified when filed as required in WAC 480-09-015 is subject to the protections of that rule.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company. The AOS company shall withhold on a location-by-location basis the payment of compensation, including commissions, from a call aggregator, if the AOS company reasonably believes that the call aggregator is blocking access to interexchange carriers in violation of these rules. AOS company actions in furtherance of this rule may be reviewed by the Commission in a formal complaint under WAC 480-09-420 through a brief adjudicative proceeding under the provisions of RCW 34.05.482-491 and WAC 480-09-500. An AOS company shall refuse to provide service to a call aggregator who the Commission has found to have knowingly and repeatedly acted in violation of provisions required under Commission rules regarding alternate operator service companies until the Commission has found that the call aggregator will comply with relevant provisions.

(3) For purposes of this section ~~((the))~~, "consumer" means the party ~~((billed for the completion of))~~ initiating an ((interstate/intrastate)) interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, ((customer-owned)) pay telephone, etc., contracting with an AOS for service.

~~((1))~~ (4) An alternate operator services company shall require as a part of ~~((the))~~ any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger Stymie Bold type, one

of the information provided in the following notice:

(i) If any service is provided at charges which may exceed the prevailing rates for service, the following message shall appear, printed in red ink. In the absence of a determination by the commission as to the prevailing rates, the rates at which service is offered by U S WEST for intralATA service and AT&T for interLATA service will be accepted as the prevailing rates.

SERVICES ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR ((DIALING THROUGH THE LOCAL TELEPHONE COMPANY)) REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(ii) If ALL service from the instrument will be provided at charges, including any surcharges or fees, which are equal to or below the prevailing rates for service as identified in subsection (i), above, either the foregoing message or the following message shall appear:

SERVICE FROM THIS INSTRUMENT IS OFFERED AT RATES WHICH DO NOT EXCEED PREVAILING RATES FOR SERVICE. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

It is a violation of these rules to charge more than the prevailing rate for service from a telephone posted under this provision.

(iii) Posting shall begin within 60 days following the adoption of these rules and shall be completed within 90 days thereafter.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator ((so as)) without charge to receive specific rate information; and

(iii) Dialing Directions to allow the consumer to ((dial through the local telephone company)) reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide without charge access from every instrument to 911 and the local exchange company operator;

(d) Provide access from every instrument to 1-800 services and all available interexchange carriers; and

(e) Shall not impose, implement or allow a surcharge for any operator, toll, or local service above the tariffed rates for service, and;

Shall post, on or near the instrument, a notice stating whether a location surcharge is imposed for telecommunications access through the instrument, the amount of any surcharge, and the circumstances when it will apply.

~~(f) Shall not charge more than twenty-five cents for consumer access to local exchange, 1-800 or interexchange carrier service.~~

~~((+2))~~ (5) The alternate operator services company shall:

(a) Identify the AOS company providing the service ~~((or its authorized billing agent))~~ audibly and distinctly at the beginning of every call, and again before the call is connected, including ~~((those handled automatically; and))~~ an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is 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.

(ii) ~~Specifically, the following message shall be used at the beginning of the call: "You are using (name of AOS company as registered with the commission)"; the message prior to connection of the call shall say, "Thank you for using (name of AOS company as registered with the commission)".~~

~~The message used by the AOS company shall state the name of the company as registered with the Commission whenever referring to the AOS company. No other name may be used in the message.~~

(iii) The consumer shall be permitted to terminate the telephone call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer

(A) a quote of the rates or charges for the call, including any surcharge;

(B) the method by which the rates or charges will be collected; and

(C) the methods by which complaints about the rates, charges or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the carrier AOS company shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange carriers, does not exceed one percent in any given hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to determine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heaving traffic, such as national emergency, local disaster, holidays, etc.

~~((+3))~~ (6) The alternate operator services company shall

assure that ~~((consumers))~~ persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

~~((4))~~ (7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities;

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller ~~((from))~~ by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the ~~((caller))~~ consumer dials zero (0) and no other digits within five seconds shall be routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

~~((5) Consumer)~~ (8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and Disputes.

~~((6))~~ (9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide ~~((consumers with))~~ specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; commissions or fees.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability, technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by U S WEST Communications for intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than the prevailing operator service charges rates in the relevant market - intraLATA or interLATA - will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary



evidence, the charges for U S WEST for IntraLATA service and AT&T for interLATA service will be accepted as the prevailing charges.

(c) Commissions, Surcharges, charges or fees. The charge to the consumer attributable to any commission, location fee, surcharge, or customer charge or fee of any kind for the benefit of a call aggregator may not exceed twenty-five cents for any sent-paid or non sent-paid call, except that n An AOS company may not bill the consumer for any location surcharge, customer charge, or fee in excess of rates properly authorized by the commission. N No such location surcharge may be added to without-charge calls nor to a charge for directory assistance. A higher fee may be approved by the Commission when necessary for rates which are fair, just and reasonable. The existence of this charge at a location and the basis for its calculation [i.e., per call or percentage of charge] must be clearly posted at the location of the instrument. Except as specified herein, n No tariff may provide for rate levels which vary at the option of a call aggregator.

(11) Tariffed r Rates for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services in the relevant market unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, rate levels of U S WEST for intraLATA service and AT&T for interLATA service will be considered the prevailing rate.

(12) Fraud prevention.

(a) A company providing interexchange telecommunications service may not bill a call aggregator for charges billed to a line for calls which originated from that line through the use of 10XXX+0; 10XXX+01; 950-XXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications service may not bill to a call aggregator any charges for collect or third number billed calls, if the line serving to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

(c) Any calls billed through the local exchange carrier in violation of subparagraphs (a) or (b) above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the interexchange telecommunications company as not billable.

(d) Any call billed directly by an alternate operator service company, or through a billing method other than the local exchange company, which is billed in violation of subparagraphs (a) and (b), above, must be removed from the call aggregator's bill. The



telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening which would have protected the call, which is offered by the LEC and was subscribed to by the call aggregator, was not operational at the time the call was placed, the AOS company shall bill the LEC for the call.

New provision:

WAC 480-120-xxx. Local service to Aggregators. The local exchange company's tariff shall provide (1) that any local calls provided by aggregators to customers on a per-call basis may not be offered at a rate, including any location surcharge, which is greater than the local exchange company's tariffed rate for local calls from pay telephones; (2) that every aggregator offering local calls must provide without-charge access to 911, where available, and the local exchange company operator; and (3) that every aggregator offering local calls must provide access to all available interexchange carriers and to 1-800 telephone numbers.