



Washington State
Hotel & Motel
Association

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STATE OF WASH.
UTIL. & ENERGY
COMMISSION

Member, American
Hotel & Motel
Association

May 6, 1991

Mr. Paul Curl
Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S.W. Evergreen Park Drive S.W.
Olympia, WA 98504

Re: Docket No. UT-900726
Amendment of WAC 480-021, -106, -138, and -141
relating to Telecommunications Companies

Dear Mr. Curl:

Enclosed for filing and distribution are the original and fourteen copies of the Comments of the Washington State Hotel and Motel Association on the latest draft of the above rules as proposed by the Commission staff, received by us on Wednesday, May 1, 1991. While the draft resolves many of our concerns, it fails to resolve the basic jurisdictional issue, in that it still seeks to regulate the relationship between hotels and their guests.

We were given to understand by staff that the Commission's focus was on "location surcharges" contained in AOS tariffs. Please be assured that this Association takes no position on the contents of tariffs, as long as jurisdictional separation is not invaded. The problem is that the rule as now drafted invades that jurisdictional separation, since at page 2 "location surcharge" is defined as:

" . . . 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 alternative operator services company it is remitted, in whole or in part, to its call aggregator-customer."

Since hotels and motels are still defined as call-aggregators (incorrectly, we believe), and this definition purports to apply to charges assessed by aggregators, the retention of this language would constitute assertion of Commission jurisdiction over customer use of hotel telephones - jurisdiction which we have seriously questioned in prior comments.

Deletion of "by or" would confine the "location surcharge" to those in AOS tariffs, and eliminate the jurisdictional issue.

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If the representations of the staff are correct, we would suggest that the definition might be better expressed as follows:

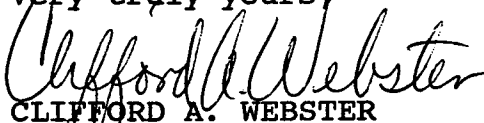
Location surcharge - a flat, per-call charge assessed in addition to message toll charges, local exchange call charges, and operator service charges, collected by an alternative operator services company and remitted, in whole or in part, to a call-aggregator-customer.


That definition would clearly limit the rule to AOS tariff charges, which are jurisdictional, and eliminate the redundancy in the present draft. It would also clarify the requirement of WAC 480-121-141 (e) regarding posting of location surcharges, confining the posting requirement to jurisdictional AOS tariffed surcharges.

Two other brief items. Obviously the "new provision" at page 16, identified as WAC 480-120-xxx, has all the flaws that we discussed in our earlier comments. Our silence should not be taken as acceding to it in any respect. Second, while we still protest being identified as "aggregators", with adoption of the amendment we have recommended, the definition carries with it no substantive implications. We therefore reluctantly accept it for purposes of this rulemaking.

Individual copies have been directed under separate cover to Chairman Nelson and to Commissioners Casad and Pardini.

Very truly yours,


CLIFFORD A. WEBSTER


REBECCA L. BOGARD
Attorneys for the Washington State
Hotel and Motel Association

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