

**Proposed Draft
Price List Rule
WAC 480-80-035
Tariff Rulemaking - U-991301**

February 9, 2001

(1) Definition, interpretation, and application of price lists.

(a) A price list is a telecommunications company's standard offer to the general public of intrastate telecommunications services that have been classified as competitive by the commission under RCW 80.36.320 or RCW 80.36.330.

(b) A price list is not a tariff and is not reviewed or approved by the commission at the time of filing. The commission will, when appropriate, investigate a price list or complain against a price list.

(c) The commission will not deem a customer to have constructive knowledge of any provision of a price list solely because that provision has been filed with the commission. Any dispute as to whether a customer had knowledge of a price list provision will be based on the form and content of notice provided by the company as well as any other demonstration of the customer's actual knowledge.

(d) In resolving any conflict or ambiguity in the provisions of a price list, the commission will construe the conflict or ambiguity in favor of the customer.

(e) If a company makes an offer of service at prices, terms, or conditions other than those in its price list, and the customer accepts that offer, the company must file the contract as provided under section (4) of these rules. If the company's offer does not provide a specific time period, the term of the contract will be for one year unless cancelled earlier by the customer. Such a contract will be enforceable by the contracting parties according to its terms even if the company fails to file the contract.

(2) Form and content of price lists.

(a) A price list must include, for each service being offered, a description of the service, any limitations, terms, or conditions on the offering of that service, and the rates, charges, or prices at which the service is offered.

(b) A price list must conform to all applicable laws, rules, and orders. Acceptance by the commission of a non-conforming price list will not be deemed a waiver of the law, rule, or order. Any price list provision that conflicts with a law, rule, or order may not be enforced unless the commission waives that law, rule, or order.

(c) Any new price list or revision to a price list filed by a registered telecommunications company becomes effective on the later of (a) ten days after it is filed with the commission and, for price list revisions only, (b) ten days after any existing customers receive actual notice of the revision.

(d) The following provisions apply to price lists of companies classified as competitive under RCW 80.36.320:

- (i) A company must file a price list for all intrastate telecommunications services offered to the general public and for all exchange access services offered to other telecommunications companies;
 - (ii) The commission waives the requirements of RCW 80.36.130 for such company; and
 - (iii) Any price list filed by such company may state the rates, charges, or prices as maximum amounts rather than specific prices.
- (e) The following provisions apply to price lists of companies not classified as competitive under RCW 80.36.320:
- (i) A company must file a price list for all intrastate telecommunications services offered to the general public and classified as competitive under RCW 80.36.330 and all exchange access services offered to other telecommunications companies and classified as competitive under RCW 80.36.330.
 - (ii) Any price list filed by such company must state the specific rates, charges, or prices at which the service is offered.

(3) Publication and disclosure of price lists to customers.

- (a) Each company must maintain a complete copy of the price list that is on file with the commission on a web site accessible to the public using standard web browser software.
- (b) Each company must include in each customer bill or notice the internet address (uniform resource locator) of the web site containing its price list.
- (c) Each company must provide to any customer making a written or oral request a copy of the price list applicable to that customer's service. The company must provide the price list at no charge to the customer.

(4) Filing of contracts for service.

- (a) Companies must file with the commission any contract for intrastate telecommunications service that is inconsistent with the terms of the price list under which that service is offered. For companies classified as competitive under RCW 80.36.320, a contract is not considered inconsistent solely because its price or prices are below a price list's stated maximum price.
- (b) If a company does not have a price list for a particular service, it must file with the commission any contract under which it provides that service.
- (c) Companies must file contracts that this rule requires to be filed with the commission within fifteen days after the effective date of the contract.
- (d) The following provisions apply to contracts for services classified as competitive under RCW 80.36.330:
 - (i) The contracts must not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately and offered under an approved tariff or contract (see WAC 480-80-330).
 - (ii) The commission may reject a contract if the telecommunications company is unable to document that the price charged covered its relevant costs under either a long run incremental cost analysis or a fully distributed cost analysis whichever is lower, or any other commission-approved cost method.

(iii) The commission may reject a contract filed pursuant to this section upon a showing that it is otherwise unlawful. To meet its burden of proving that the contract is cost-based, the company must, at a minimum, provide the following information at the time of filing:

(A) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge; and

(B) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract.