



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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October 1, 1991

RE: Docket No. UT-900726

TO ALL PARTIES:

Pay phone and AOS industry members have raised several issues arising from implementing the Commission's recent rule amendments. The following reflects a staff consensus on those issues, but does not obligate the Commission nor prevent it from making its own independent decision.

1. The language of WAC 480-120-141(4)(d) requires posting the absence of a location surcharge. In practice, that may be more confusing than helpful and more costly than justified by any benefit. The Commission Staff will not recommend assessing penalties for failure to post the absence of a surcharge, when no surcharge is imposed. Commission Staff will recommend amending the rule to eliminate any negative posting requirement the next time the rule is reviewed.
2. Some local exchange companies (LECs) apparently prohibit posting by others on their pay phone instruments. That is not inherently bad, as long as the goal of the rule, full and accurate public disclosure, is met. Commission staff has two concerns about the prohibition.

First, LECs should not use the prohibition to impede an AOS company from complying with the rules. The Commission staff will consider doing so a serious violation by the local exchange company. Second, the Commission staff will closely examine whether any charges imposed for LEC posting "services" are proper and lawful.

3. An AOS company is any which offers service through aggregators -- service as defined in the rule. In a non-equal access setting, AT&T is an AOS company although the person who controls the instrument has no other option for presubscribed AOS service.

4. WAC 480-120-141(4) requires AOS companies to impose specified requirements upon presubscribing aggregators in any contracts and as a term and condition of service specified in their tariffs. Some companies offering AOS services have previously been authorized to file price lists and do not file tariffs. Some affected companies have represented, and staff will expect, that the requirements will nonetheless be terms and conditions of service and that aggregators will comply. Commission staff will consider possible amendments for the next update of the rule and will watch closely to determine whether violations may require expedited amendment of the rule or other action.

Sincerely,

*Kathy Bartles* —  
*for*

Paul Curl  
Secretary