

Docket No. UT-030860, Staff Investigation Into an Emergency Rule Concerning Changing the Effective Date of WAC 480-120-174, from July 1, 2003, to June 11, 2003

COMMENTS OF VERIZON NORTHWEST INC.

June 9, 2003

Verizon Northwest Inc. (Verizon) provides these comments and responses to the June 5, 2003 email of the Commission's Staff concerning the above-entitled matter. Based on the information it has been able to gather to date, Verizon believes that few, if any, of the affected customers are in its service territory.

The new rule whose effective date Staff proposes to accelerate is not relevant to the possible service discontinuance situation described in Staff's email. In any event, the Commission should allow its existing and new rules to operate in these circumstances and not begin a practice of making piecemeal exceptions to them.

WAC 480-120-174 Does Not Apply

New WAC 480-120-174 does not apply to the situation described in Staff's email, so accelerating its effective date would not be useful. Staff describes a situation where some competitive local exchange companies (CLECs) may cease providing basic residence service at least to their WTAP clients, perhaps to their non-WTAP customers, as well.

The rule applies to "restoring service." This term refers to reconnecting customers after they have been temporarily disconnected (e.g., dialtone suspended) but before they have been permanently disconnected (i.e., service record closed, final bill sent, tel # reassigned, etc.). See Verizon's local tariff, WN U-17, Section 2, sheets 8 and 10, and Section 5, sheets 3 and 5 (copies attached). Thus, Verizon is preparing to comply with the new rule by inserting a step in its treatment and disconnection process that will make customers aware of the WTAP option.

"Restoring service" does not refer to a situation where a former customer (who could have left a week, a month, a year or more ago) applies for new service, which is what the situation would be for these CLEC customers opening new service accounts with Verizon. In these cases, the customer and the company start from scratch setting up service - - choosing a type of local service, specifying the white page and directory assistance listing(s), having a new telephone number assigned, selecting any ancillary services, picking toll

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providers or toll blocking, and so on. And, of course, the customer may have moved since he was last with Verizon, so the service address in the new account record may be different than the previous one. In the "service restoral" (or "reconnection") situation, this new account set-up does not need to be done.¹

The Commission's Current and New Rules Should Be Allowed to Work

The Commission's cessation of service, change in local service, and establishment of credit and service rules cover the situation described by Staff. The Commission recently reviewed these rules and made some adjustments. Certainly in doing so it contemplated the possibility of the situation described by Staff. Making exceptions to these rules at this time is not warranted.

If the CLECs to which Staff refers plan to cease operations all together or in some parts of the state or as to some services, current WAC 480-120-083 requires them to notify their customers, their underlying carriers and others thirty days in advance. The companies to which Staff refers should be required to follow this rule. Should any not, the Commission should take prompt corrective action and impose appropriate sanctions.

The Commission's rules contemplate that -- armed with this advance notice -- those companies' customers will sign up for service with other carriers. Current WAC 480-120-139 (to be renumbered 480-120-147 effective July 1, 2003) and new WAC 480-120-147 cover this situation by allowing customers to place, in effect, intercompany transfer orders. Verizon is prepared to handle orders from such applicants in the normal course of its business.

Responses to Specific Staff Questions

(1) Is there an actual risk that some WTAP eligible customers may lose access to 911 services as the result of an abrupt discontinuation of service?

Verizon is not aware of circumstances that are likely to result in "abrupt" disconnections. The Commission's Cessation of Service rules are designed to prevent that and should be enforced.

(2) How many WTAP eligible customers may be at risk of a sudden cessation of service?

¹ The same is true for new WAC 480-120-173, which deals with customers who do not come under WAC 480-120-174 (i.e., who are not eligible for WTAP of the federal tribal lifeline program). Currently, the "restoration" situation for customers in the process of being disconnected is covered in WAC 480-120-081(7). Compare the rules relevant to establishing new service accounts: current WAC 480-120-056 and -061 [esp. subsection (5)] and new WAC 480-120-122, -124 and -061 [esp. subsection (1)(f)].

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None; see the answer to #1.

(3) How much time will it take a customer to find and be connected by an alternative local exchange company?

Customers can seek out alternative providers and order service as soon as they become aware of the need to do so; e.g., receive the 30-day service cessation notice from their current provider. This period should be ample time for them to activate new service with Verizon or any other provider they choose.

(4) Would a change in the effective date for WAC 480-120-174 assist WTAP eligible customers who may experience discontinuation of service with little or no notice?

No. See the discussion above.

(5) What is the number of WTAP customers that may be assisted rapidly in obtaining substitute service by adoption of an emergency rule to change the effective date of WAC 480-120-174 from July 1, 2003 to June 11, 2003?

None.

(6) Does a risk of discontinuation of service to WTAP eligible customers warrant the immediate adoption, amendment, or repeal of a rule necessary for the preservation of public health, safety, or general welfare, and would observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest?

No; neither emergency nor permanent rule changes are needed. See the discussion above.

(7) Does the apparent risk of sudden disconnection of local exchange service and the consequent loss of 911 services constitute sudden and pressing circumstances that warrant dispensing with the usual period for notice and opportunity to comment?

No.