

RULEMAKING: Distribution of White Pages Directories
DOCKET UT-120451
Comment Matrix
February 14, 2013

General Comments		
Commenter	Comment	Staff Position
Jeanette Henderson	Proposed rule would be improved if the printed directory option in (2)(b) were opt-in rather than opt-out. “Otherwise, the proposed rule is an excellent improvement over the existing rule.”	Staff believes the revised rule as currently drafted strikes the appropriate balance between company, customer, and environmental concerns and does not recommend accepting this change.
Sightline Institute Represented by Eric de Place	In (2), the word “free” should be added, to read, :... <u>free</u> access to directory listings...” Believes the printed directory option in (2)(b) should be opt-in rather than opt-out.	<i>See</i> first Staff position statement above. In addition, inclusion of “free” is unnecessary because the rule already states that access to directory listings is included with local exchange service.
Seattle Public Utilities Represented by Timothy Croll	“We urge the Commission to enact the rule amendment as written.”	Staff agrees.
Frontier Communications Represented by Carl Gipson	Existing rule should be eliminated. As an option to eliminating the existing rule, an opt-in rule should be implemented. “Frontier is largely supportive of the proposed rule...”	<i>See</i> first Staff position statement above.
Public Counsel Represented by Lisa Gafken	Pleased that the language in (4), related to updating directories no less frequently than every 15 months, is being retained. Believes the rule should require saturation distribution of “Blue Pages.” Believes the rule should state that directories must be provided free of charge. Believes the consumer rights and responsibilities guide, required in (6) of the existing rule, should continue to be required in the new rule.	<i>See</i> first and second Staff position statements above. In addition, whether to include information in addition to listings in directories should be a decision for the LEC to make.
WITA Represented by Betty S. Buckley	“WITA supports the proposed revisions contained in the Notice and the Supplemental CR-102.”	Staff agrees.

<p>Century Link Represented by Lisa Anderl</p>	<p>Believes the language in (2), which reads: “ A LEC must ensure that each of its basic local exchange service customers has access to directory listings for the customer's local calling area through at least one of the following means:” Should be modified as follows: “A LEC shall <u>determine how</u> each of its basic local exchange service customers <u>will receive</u> access to directory listings for the customer's local calling area <u>using</u> at least one of the following means:”</p>	<p>Staff does not believe that the language CenturyLink proposes is substantively different than the language in the latest proposed revised rule but would not object to making the suggested change.</p>
<p>Dex One Represented by Brooks Harlow</p>	<p>Believes the mandatory opt-out provision is “inconsistent with the First Amendment,” however supports the rule as proposed in the Supplemental CR-102.</p>	<p>Staff disagrees with Dex One’s constitutional analysis but otherwise agrees.</p>

**Second Supplemental CR-102 Comment Matrix
April 11, 2013**

Commenter	Comment	Staff Position
Jeanette L. Henderson	Proposed rule would be improved by removing subsection (3).	Staff believes the revised rule as currently drafted strikes the appropriate balance between company, customer, and environmental concerns and does not recommend accepting this change.
Seattle Public Utilities Represented by Timothy Croll	Supports the most recent draft, particularly (2)(a), the opt-in provision.	
Century Link Represented by Lisa Anderl	<p>The current draft does not allow for the protection of non-published customers' information because personal and proprietary information is available to those who use the Dex online website.</p> <p>An opt-in approach would result in customers not getting notice that they would not receive a printed phone book.</p> <p>An opt-in approach should apply only to residential white pages, not business listing in the white pages, so that the company, or Dex, would not be out of compliance if it were to deliver combined white and yellow page business listings.</p> <p>An opt-in approach should be phased in, with a notice about how a customer can continue to receive directories.</p> <p>Subsection (2) should be modified so that a LEC is obligated to provide access to listings only for its own customers and customers of carriers who provide their listings at no charge.</p>	<p>LECs have the same ability to protect customer privacy under the proposed rule that they have under the existing rule.</p> <p>The proposed rule does not require a LEC <i>not</i> to publish a printed directory and thus the LEC would be able to provide what it believes is an appropriate phase-out period and notice if the LEC chooses not to publish a printed directory for all of its customers. Similarly, a LEC will not be out of compliance with the rule if it continues to publish a printed directory that combines white and yellow pages.</p>
Public Counsel Represented by Lisa A. Gafken	No further comments.	
WITA Represented by Betty S. Buckley WITA (cont'd)	<p>Language in subsection (2) implies that a LEC must be responsible for making "all" directory listings in the local calling area available, rather than just the listings of the LEC's own customers.</p> <p>There are potential problems in providing electronic listings of other LECs, related to licensing agreements, that could make some listings unavailable or burdensome to obtain.</p>	<p><i>See</i> first Staff position statement above.</p> <p>CTL, WITA, and Frontier contend that the rule creates an obligation to provide access to directory listings of other LECs' customers. The description of "directory listings" in section 1, however, makes clear</p>

	<p>Does not understand how listings will be handled on situations where an ILEC also conducts CLEC activities in the local calling area.</p> <p>Recommends subsection (2) be rewritten as follows:</p> <p>(2) A local exchange company must allow access by the local exchange customers it serves to the publicly available listings for the local exchange company's exchange area by publishing those publicly available listings electronically via a document, database, or link on the local exchange company's web site. A local exchange company is not required to distribute a printed directory.</p>	<p>that a LEC's directory listings include only the LECs' customers, although ILECs remain subject to the obligation to include competitors' listings in their directories under federal law and interconnection agreements. "Exchange area" has no meaning for customers, and customers should have access to the listings within their local calling area.</p>
<p>Dex One Represented by Brooks Harlow</p>	<p>Supports the rule as drafted and urges prompt approval.</p>	
<p>Frontier Communications Represented by Carl Gipson</p>	<p>Recommends eliminating the rule altogether, or as an alternative, an opt-in rule.</p> <p>To eliminate the problem of a LEC being required to provide information that is unavailable, Frontier recommends the following language amendment:</p> <p>(2) A LEC must ensure that its basic local exchange service customers have access to directory listings for the <u>of its</u> customers' local calling area by making those listings available electronically via a document, data base, or link on the LEC's web site. The LEC also must distribute or arrange to distribute printed directory listings to all of the LEC's customers who request a printed directory. A LEC is not otherwise required to distribute a printed directory.</p>	<p><i>See</i> Staff position statements above.</p>