

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request for Comment
on Consideration of an Emergency
Rule

DOCKET NO. UT-030860

**Comments of
Seattle Telecom Consortium**

June 9, 2003

These comments are filed in response to the Commission's June 5, 2003 Notice of Opportunity to File Comments. We support the comments submitted by Public Counsel and CUA in this matter. We believe that an emergency rule that changes the effective date of WAC 480-120-174 and incorporates the broad changes recommended below is in the interest of public health, safety, or general welfare, that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. We plan to attend the Commission's June 11 Open Meeting to participate in the discussion of these issues.

We support the Commission's adoption of an emergency rule to change the effective date of WAC 480-120-174 from July 1, 2003 to June 11, 2003, and we request the following changes to WAC 480-120-174 to ensure that it will be applicable to 1) anyone already enrolled in WTAP through any carrier; and 2) applicable to customers disconnected for any reason. We request the following language deletions:

WAC 480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility. (1) Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued ~~for nonpayment under WAC 480-120-172 (Discontinuing service--Company initiated) if the customer was not a participant in either Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued~~ and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this section, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service ~~and ancillary service~~ amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020, agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

(2) In the event a customer receiving service under this section fails to make a timely payment for either monthly basic service or for unpaid basic service ~~or ancillary service~~, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges.

We believe support for these language changes is well supported. It has been our experience, which we have shared in the past with the Commission, that many eligible customers have had difficulty enrolling in WTAP through the incumbent phone company in their area. For example, we have documented evidence that customers and consumer advocates have been unceremoniously hung up by ILEC customer service representatives after asking to enroll in WTAP. Many WTAP customers have also found significant errors in subsequent bills once enrolled in WTAP via phone conversations. While this situation may be improving, it is clear from the consumer advocate WTAP Problem Report submitted to WUTC that lists a number of the most common problems, that these problems have been significant barriers to enrollees and still exist today. In addition, we have had clients who have specifically requested service from any other company other than the ILEC based on past customer experience. These are people who want a choice. Choice is a core component of freedom and independence. For many customers, the changes brought on by deregulating and encouraged competition have not lead to

greater choices and better service but to reduced customer service and compound abuses so common that they have become part of the telecommunications lingo, e.g. slamming and cramming. These significant financial abusive practices by companies have been the impetus for reactive WUTC regulatory rules such as those that establish a preferred carrier freeze. They have also been identified by customers and consumer advocates as the cause of unpaid bills and poor credit history that contribute to the loss of service to low-income consumers.

Notwithstanding the complexity of the fund history that spurred the emergency rule to limit the rate of reimbursement to CLECs for WTAP, it is clear to us that alternative WTAP providers to ILECs is in the interest of all citizens in Washington. We encourage the Commission, DSHS and others to keep this in mind as you move forward with your policymaking agendas.

We support the short term goal of keeping WTAP customers connected without interruption, recognizing the time sensitive nature of the emergency rule under consideration. We do, however, caution that the DSHS emergency rule restricting reimbursement rates to the lowest rate in the area needs to be balanced by not just a change in the effective date of WUTC rules, or closed door negotiations with ILECs, but by stronger, enforced regulations that would ensure WTAP eligible customers can get connected and stay connected to their service provider of choice.

In addition, we further support Public Counsel's request that consumers be notified of their rights. However, we believe that the obligation to inform WTAP and Tribal Lifeline eligible customers falls not only on the LECs but on the administrators of the program, both WUTC and

DSHS. Passing the buck or the obligation with or without a clear link to the buck, on to the LECs has not proven effective in the past. We believe that reimbursement for these efforts should be clearly designated in agency administrative costs covered by the program until such time that competition in this area is fair and well established. In addition, agencies need to take several simple, inexpensive actions to help inform customers and the public in general about WTAP.

Passed efforts have been abysmal. Efforts should include:

- Update the WTAP website information: WUTC WTAP website information is outdated by four year; DSHS website has virtually NO useful information on WTAP, not even the brochure is posted;
- Continue to update the WTAP phone line information to include information about WTAP choices and any emergency rule information (until a few months ago this phone line provide NO information about the program, it now provides some good basic information);
- Provide program alerts on a regular basis to consumer advocates and consumers through existing or newly created outreach channels. An effective model is CMS's program alerts for Medicare.

There are many WTAP related telecom issues, including consumer barriers to service, that need to be addressed over time. We hope that the scramble to enact emergency rules will be followed by an equal effort to beginning of open, honest dialogue among interested parties, legislature, and the public at large about the objectives of universal service funds, the desired outcomes and the need for a transparent administration of the state WTAP program.