

UT-041334 (P)

Donald O. Taylor
Director – Carrier Relations
& Regulatory Affairs



July 22, 2004

Via U. S. Mail and Fax

Ms. Carole J. Washburn
Executive Secretary
WUTC
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

RECEIVED
COMMUNICATIONS DIVISION
94 JUL 23 AM 8:30
WASHINGTON STATE

Re: Petition for Waiver of WAC 480-120-147

Dear Ms. Washburn:

Enclosed for filing is a Petition for Waiver of WAC 480-120-147, submitted on behalf of Tel West Communications, LLC (“Tel West”) for the transfer of customers of Phone Solution, Inc. to Tel West. A copy has also been faxed to the Commission’s record center. Tel West would appreciate the Commission’s attention to this Petition at its earliest convenience.

Please contact me with any questions pertaining to this matter.

Sincerely,

A handwritten signature in black ink that reads "Donald O. Taylor". The signature is written in a cursive, flowing style.

Donald O. Taylor

Enclosures

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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
TEL WEST COMMUNICATIONS, LLC
For Waiver of WAC 480-120-147
Changes In Local Exchange And Intrastate Toll Services

Docket No. UT-041334

Tel West Communications, LLC ("Tel West") hereby petitions the Commission for waiver of WAC 480-120-147. In support of its Petition, Tel West states as follows:

I. PETITIONING PARTY

Tel West is a Competitive Telecommunications Company, approved in Docket UT-981258, October 28, 1998, and provides service throughout the state of Washington. Tel West's company headquarters are located at 3701 S. Norfolk Street, Suite 300, Seattle, Washington, 98118. Tel West has interconnection and/or resale agreements with incumbent local exchange carriers (ILECs) Qwest, Verizon and Sprint in Washington.

II. STATUTES AND RULES AT ISSUE

Tel West requests a waiver of the Commission's rule which provides that "a local exchange or intrastate toll carrier . . . may not submit a change order for a local exchange or intrastate toll service until the order is confirmed" in accordance with specified procedures that ensure prior customer approval of the change WAC 480-120-147(1). The purpose of this rule is to protect the consumer from unexpected changes in its local and long distance service providers. Under the

1 provisions of RCW 80.36.320(2), the Commission has the authority to waive WAC 480-120-147
2 when it is in the public interest to do so.
3

4 III. BACKGROUND REGARDING THE TRANSACTION 5

6 On June 10, 2004, Tel West and Phone Solution, Inc. ("Phone Solution") executed an
7 Account Purchase Agreement ("Agreement") which provides for the transfer of the Washington
8 customers of Phone Solution to Tel West. In accordance with WAC 480-120-147(7), on July 15,
9 2004, Tel West provided 30 days written notice to the approximately 116 Washington customers
10 of Phone Solution informing them of the Agreement to transfer their service to Tel West on or
11 about August 15, 2004. In the notice, Tel West advised customers of Phone Solution that their
12 service will continue without interruption, at the same rates they are currently being billed, and
13 that no action is required on their part. In the notice, customers are also advised of their right and
14 ability to choose another service provider, at their option. A copy of this notice is attached as
15 Exhibit A. Also in accordance with WAC 480-120-147(7), on July 15, 2004, Tel West provided
16 notice to the Commission regarding its Agreement with Phone Solution. A copy of this Notice is
17 enclosed as Exhibit B.
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21 IV. PHONE SOLUTION CUSTOMERS DISCONNECTED BY QWEST 22

23 On July 21, 2004, Qwest began disconnecting the services of the customers of Phone
24 Solution. Tel West has been informed by Qwest that approximately 63 customers of Phone
25 Solution have been disconnected. Qwest has refused to reconnect these customers. Qwest has
26 agreed to stop disconnecting end user customers of Phone Solution until August 2, 2004, pending

1 the Commission's approval of Tel West's request for waiver of WAC 480-120-147.

2
3 V. THE WAIVER REQUEST IS IN THE PUBLIC INTEREST

4 Under provisions of WAC 480-120-147, each customer must authorize a change of its
5 local service provider in advance of such a change taking place. A waiver of this rule is required
6 in order for Tel West to transfer service for the remaining customers of Phone Solution before
7 August 2, 2004, the date Qwest has stated it will resume disconnection of these customers.
8 Approval of this petition is therefore in the public interest and should be granted.
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12 THEREFORE, Tel West requests that the Commission grant a waiver of WAC 480-120-147 in the
13 transfer of the customers of Phone Solution to Tel West.

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15 Respectfully submitted this 22nd day of July, 2004.

16
17 By: Donald O. Taylor
18 Donald O. Taylor
19 Director – Carrier Relations & Regulatory Affairs
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EXHIBIT A

July 15, 2004

«Account_Name»

«Telephone_Number»

«Service_Street_Name»«SuiteApt»

«Service_City» «Service_State» «Service_Zip_Code»

Welcome to Tel West Communications!

Your local telephone service will soon be provided by one of the fastest growing, most dependable, and customer-focused telephone companies in the country. Tel West has reached an agreement with Phone Solution, Inc., your current telephone service provider, to transfer your telephone service to Tel West, on or about August 15, 2004. You do not have take any action, and there will not be any transfer or installation costs to you as a result of this agreement. Your service will be transferred "as is," without any changes to your rates or features. After transfer of your service, you will receive a Tel West Welcome Packet with a brochure that describes the competitive and attractive telephone service packages and features that may be available to you as a Tel West customer.

We are confident that once you have experienced our service, you will want to stay with Tel West. However, should you choose to select another service provider, which is your right, you may do so at any time. Please be aware that if you do not transfer your service to another provider before August 15, 2004, your service will be transferred to Tel West, even if you currently have a preferred carrier freeze on your line. After transfer to Tel West, you may request in writing that the service freeze be replaced on your line. Tel West does not anticipate making any changes to your service after transfer, but should any changes be required, you will receive at least 30 days advance written notice of any planned changes to your service.

Tel West and Phone Solution are working together to make this transition smooth. Should you have any questions, concerns, or if you experience any problems, please feel free to call Tel West toll-free at 1-800-782-4180. We will make every effort to assist you with your questions or concerns. If you wish to transfer your service to Tel West before August 15, 2004, please call our toll-free number.

You have the right to file a complaint with the Washington Utilities and Transportation Commission prior to or during this transfer of your service by calling toll-free 1-800-562-6150, or on-line at www.wutc.wa.gov.

Again, welcome! You are joining thousands of satisfied customers all over the country served by Tel West Communications.

Donald O. Taylor
Director – Carrier Relations
& Regulatory Affairs

EXHIBIT B



July 15, 2004

Via U. S. Mail

Carole J. Washburn
Executive Secretary
WUTC
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Notice of Purchase and Transfer of Customer Accounts

Dear Ms. Washburn:

Pursuant to WAC 480-120-147 (7), please be advised that Tel West Communications, LLC (“Tel West”) and Phone Solutions, Inc. (“Phone Solutions”) have entered into an agreement for the purchase by Tel West of approximately 117 residential customer accounts of Phone Solutions in Qwest’s Washington exchanges. Services provided to these customers include local exchange service and optional features. The date planned for the transfer of service is on or about August 15, 2004.

Tel West is providing 30 days advance written notice to all customers whose service will be transferred. The written notice includes information regarding:

- The date transfer is expected;
- The rates, terms and conditions of the services to be provided upon transfer;
- The means by which they will be notified of any changes in their service;
- Their right to select another service provider;
- Notice that any preferred carrier freezes in place will be removed prior to transfer, but may be replaced after transfer, upon request in writing;
- How they may file complaints before and during the transfer;
- Tel West’s Customer Solutions Center toll-free telephone number.

A copy of the customer notice is enclosed.

Please contact me with any questions pertaining to this matter.

Sincerely,


Donald O. Taylor

Enclosure: Customer Notice