

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**PETITION FOR EXEMPTION OF
PORTIONS OF WAC 480-120-263,
PAYPHONE SERVICE PROVIDERS**

Docket No. UT-_____
FSH COMMUNICATIONS, LLC
PETITIONER

1 Pursuant to WAC 480-120-015, FSH Communications, LLC (“FSH”) hereby petitions the Commission for an exemption from certain provisions of WAC 480-120-263 as those provisions pertain to 911-related calls from FSH payphones at Western State Hospital in Tacoma, Washington. FSH respectfully requests that the Commission expedite its consideration of this matter.

RULES

2 WAC 480-120-263 became effective on July 1, 2003. It contains requirements for Payphone Service Providers (“PSPs”) who own, operate, or provide payphone services in Washington. As adopted, WAC 480-120-263 subsections (3), (4), and (5) read, in pertinent part, as follows:

(3) Access. At no charge to the calling party, pay phones must provide access to:

(b) Emergency services by dialing 911 without the use of a coin or entering charge codes;

(4) Disclosure. PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(d) The emergency number (E911);

(5) Operation and functionality. A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the

service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone. To comply with this subsection, PSPs must provide an emergency response location (ERL) to the LEC supplying the PAL within two working days of establishing the location, or changed location, of the phone instrument. The ERL must provide sufficient information to aid emergency personnel in the rapid location of the phone instrument, e.g., building floor number, compass quadrant (e.g., northeast corner), and room number.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

DISCUSSION

- 3 FSH Communications, LLC is registered to provide payphone service in the State of Washington and has been issued UBI # 602-376-571. On August 23, 2004 FSH purchased substantially all of the payphone assets of Qwest Corporation ("Qwest"). These assets included the payphones located at Western State Hospital.
- 4 On January 22, 2004, Qwest filed a petition seeking an exemption of WAC 480-120-263(3) and (5) and WAC 480-120-450(1)(c) seeking permission to conduct a 60-day trial on three Qwest payphones located at Western State Hospital. This trial was requested to test an Emergency Quick Access key solution due to the high volume of non-emergency, false alarm payphone calls being placed by patients in the hospital to the Pierce County 911 Center. On February 11, 2004, the Commission granted Qwest the exemption to

conduct this limited 60-day trial.¹

5 Qwest conducted a successful 60-day trial from February 11, 2004 through April 11, 2004, testing the Emergency Quick Access key solution on three payphones in two of Western State Hospital's most problematic wards. During the trial, there were no emergency calls directed to the hospital's Communications Center from the three payphones using the Emergency Quick Access key; however there were 262 false calls placed by patients from the payphones located elsewhere in the hospital not involved in the trial. During the trial, the hospital (through its PBX system) placed 189 legitimate 911 calls.

6 On July 1, 2004 Qwest filed a petition for exemption of portions of WAC 480-120-263, Payphone Service Providers, and WAC 480-120-450. With the success of the 60 day trial of the Quick Access Key, Western State Hospital had requested that Qwest implement this solution on all Qwest payphones located in the hospital wards. Due to the pending sale of the Qwest payphone division to FSH, Qwest filed the petition with the assumption that FSH would file its own petition for permanent exemption once the payphone sale was completed.

7 On August 11, 2004 the Commission issued an order granting Qwest a 60-day temporary exemption from WAC 480-120-263(3)(b), (5)(c) and (d), and WAC 480-120-450(1)(c) for its payphones located within Western State Hospital.² This temporary exemption expires October 28, 2004.

8 The Emergency Quick Access Key solution blocks outgoing 911 calls from designated payphones which utilize one of the payphones Quick Access keys to access the hospital's

¹ Docket No. UT-040096, Order No. 1.

² Docket No. UT-041194, Order No. 1.

Communications Center for emergency situations. Patients and authorized visitors with emergency calling needs are directed to the Emergency Quick Access key by special signage at the payphone and by bright red "emergency" lettering. The emergency key is directly connected to the hospital's Communications Center. Caller ID information (the payphone number) is provided by the PBX. Based on the payphone number, Communications Center personnel can locate the ward that originates an emergency call and take appropriate action to deal with the emergency situation.

- 9 Western State Hospital staff has access to 911 at all times, including those wards where payphones will have the screened Emergency Quick Access key implemented. Wards are staffed 24 hours a day, 7 days a week with two or more direct care staff. There are three or four phones in the central nurse's station on each ward and a phone in each individual on-ward office space. All of these phones are non-payphones and 911 capable. The hospital also has emergency personnel on site that will respond to emergency calls coming into the Communications Center while a 911 response team is in route.
- 10 By this petition, FSH requests a permanent exemption of WAC 480-120-263(3)(b), (4)(d), and (5)(c) and (d) to utilize the Emergency Quick Access key solution on FSH payphones located at Western State Hospital.
- 11 WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of a rule in Chapter WAC 480-120 if such is "consistent with the public interest, the purposes underlying regulation, and applicable statutes." FSH submits that, given the success of the Emergency Quick Access Key solution to the elimination of taxing false alarm 911 calls, the exemption requested is squarely in the public interest and consistent with all the applicable regulations and statutes. FSH will submit to the Commission the results of the sixty (60) day trial within one week of its

conclusion.

CONCLUSION

12 Due to ongoing problems with high volumes of non-emergency and false alarm payphone calls being placed by patients at Western State Hospital to 911 and due to the success of the use of the Emergency Quick Access Key, Petitioner respectfully requests that the Commission grant Petitioner a permanent exemption of WAC 480-120-263(3)(b), (4)(d), and (5)(c) and (d) to implement the Emergency Quick Access key solution on all designated FSH payphones located at Western State Hospital.

DATED this 27th day of October, 2004.

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