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BROOKS E. HARLOW

February 26, 1992

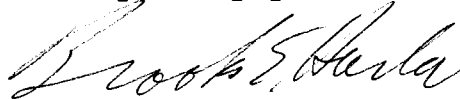
Mr. Paul Curl  
Secretary  
Washington Utilities and  
Transportation Commission  
1300 South Evergreen Park Drive, S.W.  
Olympia, Washington 98504-8002

Subject: Pierce County v. U S West

Dear Mr. Curl:

Enclosed for filing is an original and nineteen copies  
of the complaint of Pierce County against U S West  
Communications, Inc. A copy has been served on U S West.

Very truly yours,



Brooks E. Harlow

cc w/enc: Mr. Mark Roellig

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BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

PIERCE COUNTY, a political )  
subdivision of the State of )  
Washington, )  
Complainant, )  
v. )  
U S WEST Communications, Inc., )  
a Colorado Corporation, )  
Respondent. )  
\_\_\_\_\_ )

Docket No. \_\_\_\_\_  
FORMAL COMPLAINT AND  
REQUEST FOR ADJUDICATIVE  
PROCEEDING

Pierce County brings this complaint before the  
Washington Utilities and Transportation Commission ("Commission")  
against U S West Communications, Inc., dba U S West  
Communications ("U S West), alleging as follows:

1. Complainant Pierce County is a political  
subdivision of the State of Washington. The Washington  
Constitution, art. 11, § 11, grants Pierce County the power to  
"make and enforce within its limits all such local police,  
sanitary and other regulations as are not in conflict with  
general laws." Pierce County's address is 930 Tacoma Avenue  
South, Tacoma, Washington.

2. Respondent U S West is a Colorado corporation with  
its principal place of business in Washington at 1600 Bell Plaza,

1 Seattle, Washington. U S West is a local exchange telecommunica-  
2 tions company providing a variety of telecommunications services  
3 within its territory, including enhanced 9-1-1 ("E-911") service  
4 to Pierce County.

5 3. In 1983, Pierce County and U S West (then known as  
6 Pacific Northwest Bell) entered into a contract to install,  
7 maintain, and operate an E-911 emergency communications system.  
8 In 1985 the E-911 system became operational.

9 4. A primary function of an E-911 system is to  
10 identify the location of the party placing a call to 911. When a  
11 party calls 911, a computer screen at Pierce County's  
12 communications center shows the address of the telephone from  
13 which the party has placed the call as the call is answered by a  
14 Pierce County communications officer. This function is called  
15 automatic location identification ("ALI"). The screen also  
16 displays the identity of the various emergency response agencies;  
17 for example, fire district, city police department, or county  
18 sheriff; enabling the communications officer to dispatch the  
19 proper agency to the location of the emergency.

20 5. The ALI information is provided from a database  
21 developed and maintained jointly by U S West and Pierce County  
22 and stored on U S West's computers.

23 6. In 1985 the E-911 system identified only the  
24 location of the party placing the call to 911. This information  
25 is often not sufficient because emergency calls may be and are  
26 placed by persons who are not at the location where the emergency

1 is occurring. For example, a person may have a heart attack  
2 while talking on the phone to a friend and be unable to call 911  
3 himself. The friend can call 911, but may not know the address  
4 of the victim, only the phone number. From 1985 to 1990, if  
5 Pierce County received such a call, the communications officer  
6 had to call U S West's Security Department to obtain the address.  
7 This caused substantial delays before assistance could be  
8 dispatched.

9           7. In 1990, Pierce County acquired new equipment for  
10 one of its emergency communications centers from a competitor of  
11 U S West. This new equipment can electronically retrieve and  
12 display the address associated with any telephone number whether  
13 or not a call from that number has been placed to 911. The  
14 information is displayed almost instantaneously. This function  
15 is known as reverse ALI ("R-ALI"). R-ALI enables the  
16 communications officer to dispatch aid to the correct location  
17 immediately even though the call to 911 was made from another  
18 location.

19           8. In 1991, U S West petitioned the Commission for a  
20 declaratory ruling that Pierce County's use of the R-ALI function  
21 violated applicable law and U S West's tariff on non-published  
22 numbers, WN U-24, Rule and Regulation 11. A copy of that tariff  
23 is attached hereto as Exhibit A. The Commission, on October 17,  
24 1991, issued a declaratory ruling on the issue of whether Pierce  
25 County's use of R-ALI to access the database maintained by U S  
26 West violated U S West's tariff on non-published numbers. The

1 Commission held that Pierce County's use of R-ALI violated the  
2 existing tariff because the tariff permits Pierce County to use  
3 R-ALI only to obtain information about phone numbers from which  
4 911 calls have been placed, but the connection has been lost.

5 9. U S West's tariff WN U-24, Rule and Regulation 11,  
6 as interpreted by the Commission, is unjust, unfair, unreason-  
7 able, and contrary to the public interest in that it creates a  
8 real and continuing threat to the public health, safety and  
9 welfare of the citizens of Pierce County.

10 STATUTES AND RULES INVOLVED

11 10. The statutes that are involved in this com-  
12 plaint include the following: RCW 34.04.413; RCW 80.01.040;  
13 RCW 80.04.110 and 120; RCW 80.36.80, 140, and 300. The rules  
14 involved in this case include the following: WAC 480-09-400,  
15 420, and 425.

16 RELIEF REQUESTED

17 Based on the forgoing, Pierce County requests that the  
18 Commission commence an adjudicative proceeding and enter an order  
19 providing as follows:

20 1. Requiring U S West to file a modified tariff  
21 WN U-24, amending Rule and Regulation 11, section III.B. to read  
22 as follows:

23 B. Except when authorized by law, the Company will not  
24 disclose non-published information to any person except  
as follows:

25 . . .

26 2. Authorized public safety agencies where calls are  
placed to a 911 or similar emergency service when,

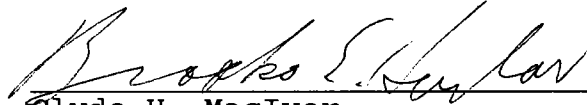
1 in the judgment the representative of the public  
2 safety agency, an immediate response to the  
3 location of the caller or to the location of  
4 another telephone number reported by the caller is  
5 appropriate, which determination shall be made  
6 solely by an authorized representative of the  
7 public safety agency.

8 2. Requiring that any 911 tariff filed by U S West  
9 permit the use of the R-ALI functions by U S West supplied and  
10 non-U S West supplied emergency communications equipment alike,  
11 so long as such use is not inconsistent with the tariff  
12 provisions revised as set forth in the preceding paragraph.

13 3. Providing for such other and further relief as is  
14 justified by the evidence in this proceeding.

15 DATED this 26th day of February, 1992.

16 MILLER, NASH, WIENER, HAGER & CARLSEN

17 

18 Clyde H. MacIver  
19 Brooks E. Harlow

20 Attorneys for Complainant  
21 Pierce County

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A:\PIERCECO.CMP

CERTIFICATE OF SERVICE

1 I hereby certify that I have this day served a copy of  
2 the foregoing document upon:

3 Mr. Mark Roellig  
4 U S West Communications  
5 1600 Seventh Avenue  
6 Suite 3204  
7 Seattle, Washington 98111

8 by mailing a copy thereof properly addressed by first class  
9 mail, postage prepaid.

10 DATED this 26th day of February, 1992, at Seattle,  
11 Washington.

12   
13 Carol Munnerlyn

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Original Sheet R11-1

**RULE AND REGULATION 11**  
**TELEPHONE DIRECTORIES, LISTINGS AND NUMBERS**

**I. LIABILITY FOR LISTINGS**

- A. The Company is liable for errors or omissions in listings subscribed to in its telephone directories in accordance with the following:
1. Listing furnished without additional charge: In amount not in excess of the charge for exchange service (excluding additional message charges) during the effective life of the directory in which the error or omission is made.
  2. Listing furnished at additional charge: In amount not in excess of the charge for that listing during the effective life of the directory in which the error or omission is made.
- B. The Company is liable for errors or omissions in listings subscribed to in directory assistance records in accordance with the following:
1. Listing furnished without additional charge: In amount not in excess of the charge for the exchange service (excluding additional message charges) for the period during which the error or omission continues.
  2. Listing furnished at additional charge: An amount not in excess of the charge for that listing for the period during which the error or omission continues.

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Advice No. 2165T  
Issued: November 26, 1990  
Issued by U S WEST Communications, Inc.  
By G. A. Walker, Vice President

Effective: January 1, 1991

EXHIBIT **A**



Original Sheet R11-2

**RULE AND REGULATION 11  
TELEPHONE DIRECTORIES, LISTINGS AND NUMBERS**

**I. LIABILITY FOR LISTINGS - (Cont'd)**

- C. The customer assumes full responsibility concerning the right to use any name of a business as a directory listing and agrees to hold the Company free and harmless of and from any claims, loss, damage, or liability which may result from the use of such listing. The Company does not undertake to determine the legal, contractual, or other right to the use of a name to be listed in a telephone directory of the Company. However, the Company reserves the right to refuse listings which are designed primarily to give publicity to a commodity or service.
- D. The Company reserves the right to make such changes in directory listings as may be necessary to bring them into conformity with its standard form.

**II. NUMBER ASSIGNMENT**

The assignment of a number to a customer's exchange access service will be made at the discretion of the Company. The customer has no proprietary right in the number and the Company may make such reasonable changes in the telephone number or central office designation as the requirements of the service may demand.

**III. NON-PUBLISHED TELEPHONE NUMBER SERVICE**

A customer may request that the telephone number of the customer's service not be published in either the Company's directories or other Company records containing such information available to the general public. If the customer makes such a request, the Company will take reasonable precautions:

- A. Not to publish the number in either its publicly distributed directories or other Company records containing such information available to the general public.

Original Sheet R11-3

RULE AND REGULATION 11  
TELEPHONE DIRECTORIES, LISTINGS AND NUMBERS

III. NON-PUBLISHED TELEPHONE NUMBER SERVICE - (Cont'd)

- B. Except when authorized by law, the Company will not disclose non-published information to any person except as follows:
1. The Company's own employees or representatives as necessary for providing telecommunications and for purposes of billing and collection;
  2. Authorized public safety agencies where calls are placed to an emergency number 911 or similar service;
  3. Customers billed for calls to and from non-published numbers, who may be furnished non-published numbers only;
  4. Employees and representatives of other telecommunications companies for purposes of billing and collection. The Company may disconnect the service of a telecommunications company that uses non-published information for other than the provision of telecommunications.
  5. In conformance with nondisclosure agreement, which will be signed annually, prohibiting the display, storage or disclosure of non-published information for the following services:
    - a. Simplified Message Desk Interface
      - Simplified Message Desk Interface is for use with voice messaging services only.
      - The nondisclosure agreement for Simplified Message Desk Interface relates to calling numbers outside a customer's Centrex-type system.

Original Sheet R11-4

RULE AND REGULATION 11  
TELEPHONE DIRECTORIES, LISTINGS AND NUMBERS

III. NON-PUBLISHED TELEPHONE NUMBER SERVICE - (Cont'd)

B. Except when authorized by law, the Company will not disclose non-published information to any person except as follows:

5. - (Cont'd)

b. Pay-Per-View

c. Message Delivery Service (MDS)

- MDS is for use with voice messaging services only.

IV. LIABILITY FOR NON-PUBLISHED NUMBER INFORMATION

The customer releases, indemnifies and holds harmless the Company from any and all loss, claims, demands, suits or other action or any liability, whether suffered, made, instituted or asserted by the customer or by any other person, caused or claimed to have been caused directly or indirectly by the publication of such number or the disclosure or nondisclosure of said number to any person.

If any action of the Company results in the publication of the unauthorized disclosure of a non-published number, the Company will, at the customer's request, change the number without charge and refund any non-published number charges for the period of time during which the number was disclosed.

As used in this tariff, non-published information is defined to include the name, address and telephone number of the non-published customers.

Original Sheet R11-5

**RULE AND REGULATION 11  
TELEPHONE DIRECTORIES, LISTINGS AND NUMBERS**

**V. NON-LISTED TELEPHONE NUMBER SERVICE**

A customer may request that the number of the customer's service be published only in the Company records containing such information available to the general public. If the customer makes such a request, the Company will take reasonable precautions not to publish the number in its publicly distributed directories.

The customer releases, indemnifies and holds harmless the Company from any and all loss, claims, demands, suits or other action or any liability, whether suffered, made, instituted or asserted by the customer or by any other person, caused or claimed to have been caused directly or indirectly by the publication of such number in its publicly distributed directories.