

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

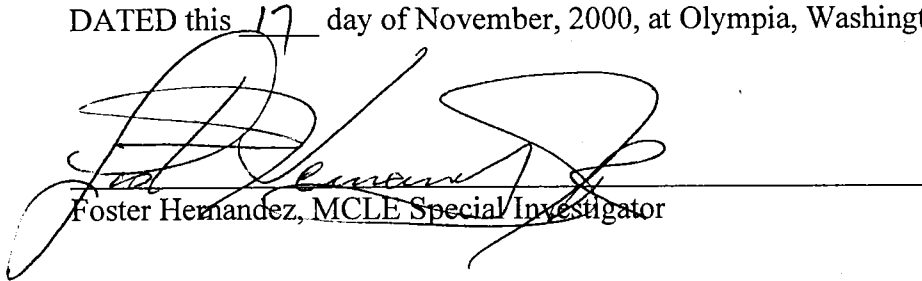
In the Matter of:)
)
Verizon Northwest, Inc.) DECLARATION OF
) FOSTER HERNANDEZ
_____)

FOSTER HERNANDEZ, under penalty of perjury and the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (WUTC) as a MCLE Special Investigator in the Regulatory Services Division. I have been employed by the WUTC for twenty-eight years, holding various positions. As a MCLE Special Investigator, part of my responsibilities includes uniform enforcement of state laws and rules governing operator services providers.
3. Verizon Northwest, Inc. (Verizon) is an operator services provider registered with the Washington Utilities and Transportation Commission and is subject to the Revised Code of Washington and Washington Administrative Code governing operator services providers.
4. On November 3, 2000, as part of the Verizon staff investigation, I received at my personal residence nine collect calls placed by Commission Investigator Dennis Shutler. The Verizon operators did not offer a rate quote for any of the calls I received. For each call I asked the operator what the cost of the collect call would be. The detail of my questions and the responses from the Verizon operators are listed in Attachment 1.

5 Each collect call I received leads me to believe that Verizon is in violation of WAC 480-120-141(1)(c), Operator service providers (OSP) general, which states, "In collect calls, both the originating party and the party on the terminating end of the call are consumers", and WAC 480-120-141(2)(b), Verbal disclosure of rates. The rule states, "Before an operator-assisted call from an aggregator location may be connected by a presubscribed OSP, the OSP must verbally advise the consumer how to receive a rate quote, such as by pressing a specific key or keys, but no more than two keys, or by staying on the line. This message must precede any further verbal information advising the consumer how to complete the call, such as to enter the consumer's calling card number. This rule applies to all calls from payphones or other aggregator locations..."

DATED this 17 day of November, 2000, at Olympia, Washington.



Foster Hernandez, MCLE Special Investigator

ATTACHMENT 1

Date of Call: November 3, 2000

Time call was received: 9:18 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: This is Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. The automated operator stated, "Please hold for operator assistance." I waited about a minute before another automated operator stated, "If you wish to make a call please hang up and try again."

Date of Call: November 3, 2000

Time call was received: 10:16 a.m.

Investigator placing call: Dennis Shutler

Statement of operator when call was answered: Hi, have a collect call from Doug.

Was a Rate Quote Offered by the Operator? No

My statement to the operator: How much will this cost?

Rates given to me by the operator: \$2.40 for the first minute, and \$.10 for additional minutes.

Date of Call: November 3, 2000

Time call was received: 10:29 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. I pressed 0 for rates and waited until the automated operator stated, "If you wish to make a call, please hang up and try again."

Date of Call: November 3, 2000

Time call was received: 11:05 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. I pressed 0 for rates. I got another operator. She stated that I had a collect call from Dennis, would I accept the charges. I requested the rates. She quoted \$2.47 for the first minute and \$.17 after.

Date of Call: November 3, 2000

Time call was received: 11:19 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. I pressed 0 for rates. Verizon operator asked if someone was there. I asked for the rates. She stated at this time of day rates were \$3.47 for first minute and \$.17 each additional.

Date of Call: November 3, 2000

Time call was received: 11:33.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: This is Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. I pressed 0. Operator stated that I had a collect call from Dennis, will you accept the charges? I requested the rates. Operator said \$2.47 for first minute and \$.17 for each additional.

Date of Call: November 3, 2000

Time call was received: 11:50 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: This is Verizon. You have a collect call from Dennis. If you want the rates, press 0. If you wish to pay for the call, press 1 from a touch tone phone or say yes now.

After pressing 0, Was a Rate Quote Offered by the Operator? No. I pressed 0. Operator said you have a collect call from Dennis, will you accept the call? I requested the rates. She stated it was \$2.65.

Date of Call: November 3, 2000

Time call was received: 9:46 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: This is Verizon. You have a collect call from Dennis.

Was a Rate Quote Offered by the Operator? No

My statement to the operator: How much will this cost?

Rates given to me by the operator: \$.95 flat rate.

Date of Call: November 3, 2000

Time call was received: 8:39 a.m.

Investigator placing call: Dennis Shutler

Statement of automated operator when call was answered: I have a collect call from Dennis, will you accept the call?

Was a Rate Quote Offered by the Operator? No

My statement to the operator: How much will this cost?

Rates given to me by the operator: \$2.47 for the first minute, and \$.17 for additional minutes. I asked the operator if there were any other charges. She stated no.