

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making  
Proceeding  
Related to Telecommunications  
Companies – Chapter 480-120 WAC

DOCKET NO. UT-990146

**Comments of  
Public Counsel  
Attorney General of Washington**

February 14, 2001

Public Counsel files these comments in response to the Commission's notice and call for comments of January 23, 2001. We look forward to working with Commission Staff and other stakeholders to resolve our concerns during the rulemaking process.

**DRAFT TECHNICAL RULES**

**WAC 480-120-051 Application for and installation of service.**

As stated in our earlier comments in this rulemaking, Public Counsel asserts that as Washington consumers become better informed of their obligations, rights, and remedies, they are more likely to receive a higher level of service quality from telecommunications companies. We continue to believe that all telecommunications companies should therefore be required to provide written confirmation of a service agreement's key contractual terms. At the customer's election, that information could be supplied electronically.

**WAC 480-120-500 Service quality--General requirements.**

Public Counsel continues to object to removing the existing language of subsection (2). Companies should be required to continue to engage in prudent management and engineering practices, and not merely to engage in forecasting activities.

Suggested language

Retain the redacted language of subsection (2).

**WAC 480-120-510 Business Offices.**

Public Counsel objects to the newly proposed language in subparagraph (2)(a), which requires that each company must ensure that: “The average speed of answer during business hours will not exceed thirty seconds.” Instead, we support the previously proposed standard, which required that 98% of calls to a company business office should be answered within twenty seconds, either by a live representative or by an automated system. We believe this latter standard is better for three reasons. First, we believe that every customer’s call is important, and thus we support a standard that is tied to each individual call as opposed to the average call. Second, the time frame has been increased significantly, from twenty to thirty seconds. We assert that telephone companies should have the utmost control over this aspect of their business offices—the telephone system—and should be held to an appropriately high standard in this regard. Third, the current proposed draft rule limits the standard to calls placed during business hours, whereas the previous draft rule did not contain this restriction. Since the proposed rule allows companies to answer calls by an automated system, we believe the rule should not be limited to calls placed during business hours.

Public Counsel supports the modification to subsection (2)(b), which states that customers calling during business hours should be connected to a representative within sixty seconds when they indicate they wish to speak with a live representative.

As we have indicated in previously filed comments, Public Counsel is concerned that local exchange carriers with exchanges that have fewer than 25,000 access lines would not be required to have a payment agency located within the exchange. Thus, we remain concerned with the language in the current draft subsection (4)(b)(iii). We support modifying the rule to require local exchange carriers to have at least one payment agency within every exchange. We recognize that such a requirement may serve as a barrier to market entry for CLECs, and thus we suggest that the Commission consider an additional provision enabling CLECs to seek a waiver of portions of this rule.

We also note that the reference to “section (3)” in this subsection appears to be an error and should be changed to read “section (4).”

#### **WAC 480-120-535 Service quality performance reports.**

As stated in our previous comments, Public Counsel recommends adding a new subparagraph (g) to section (2), to require large LECs to report telephone answering performance under proposed 480-120-510(2).

We also note that section (6)(a)(ii) includes a reference to “the standard established in section (2)(e),” but does not mention WAC 480-120-525 section (2)(e), which is the trouble report standard.

### **PROPOSED NEW RULES**

#### **WAC 480-120-X08 Service Quality Guarantees.**

Public Counsel continues to support the inclusion of service quality guarantees in the rules. With respect to the newly proposed section (4), which requires ILECs to reimburse CLECs if the commission imposes any credits or payments upon a CLEC and “the ILECs failure to provide the facility to the CLEC within the agreed upon time was the proximate cause for the

CLEC making such payment,” Public Counsel believes this is a fair and reasonable modification to the rule.

**WAC 480-120-X16 Service interruptions.**

Public Counsel supports the proposed language in section (1) of this rule, which requires companies to repair a service interruption within 24 hours if a visit to the customer’s premise is not required, and within 48 hours if a visit to the customer’s premise is required.

Finally, Public Counsel does not object to moving the four rules from WAC 480-80 to 480-120, provided that the level of protections afforded to consumers, or the requirements imposed by the rules, are not lessened. We note that the proposed WAC 480-120-X11, which would replace the existing WAC 480-80-047, would modify the requirements for reporting of access charges to be consistent with WAC 480-120-540. We request that at the next workshop in this docket, Commission staff provide further clarification as to why the reporting requirements in 480-120-X11 should apply only to Class A telecommunications companies in Washington and in the Washington Exchange Carrier Association. The existing rule, WAC 480-80-047 applies to all carriers, but includes a waiver providing that companies with less than five thousand access lines may seek a waiver of the rule for a given year, but not for two consecutive calendar years.

**CONCLUSION**

In general, except as otherwise noted, Public Counsel supports the revisions proposed by Staff. We would request that the Commission consider the few changes we have suggested as improving the final version of the rules.