

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
Qwest Corporation,  
Petitioner,  
Seeking Exemptions from Certain  
Provisions of WAC 480-120-104 Relating  
to Information to Consumers

DOCKET NO. UT 030939  
PUBLIC COUNSEL PETITION FOR  
CLARIFICATION AND  
RECONSIDERATION OF ORDER  
GRANTING TEMPORARY  
EXEMPTIONS

**I. INTRODUCTION**

Pursuant to WAC 480-09-810, Public Counsel files this petition for reconsideration of the Order Granting Temporary Exemptions in this case. Public Counsel respectfully requests that the Commission clarify several matters which are vague in its Order Granting Temporary Exemptions and reconsider whether the exemptions should be granted at all.

**II. ARGUMENT**

**A. The Commission should clarify its expectations regarding Qwest “account managers” and the means by which the business customers they serve may contact them.**

At finding and conclusion five the Commission granted the waiver exemptions requested by Qwest subject to certain conditions. *Order ¶ 13*. These conditions, including the assignment of an “account manager” to work with business customers with more than five lines, should be further clarified.

Public Counsel is concerned that subsection (a) of finding and conclusion five of the Order does not provide a clear definition of who an account manager is, how and when the account manager interfaces with its business customers, or what their responsibilities shall be.

At the Commission’s July 9, 2003 open meeting, Mr. Mark Reynolds of Qwest indicated that the

relationship between the account manager and the customer changes depending upon how much revenue the customer generates for Qwest. This suggests that Qwest makes further distinctions in how its account managers interface with business customers with more than five lines, beyond simply assigning an account manager to the customer. Thus, it may be the case that there is another, more appropriate place to make the distinction as to which business customers will not receive notices of services ordered, rate changes and other modifications, as required by WAC 480-120-104. We note that at the July 9, 2003 open meeting, Ms. Joan Gage of Verizon indicated that Verizon may file a similar petition regarding business customers, but that they were likely to seek an exemption only for their very largest customers – those with many more than simply six access lines.

We further note that the Order does not specifically require that Qwest shall notify the business customers in question with the direct dial telephone number and the name of the account manager whom they may contact with any questions about the services they order. Public Counsel requests that the Commission clarify its order by providing a better definition of the account manager serving the business customers and requiring that the business customers receive notice of the name and direct dial telephone number of their assigned account manager.

**B. The Commission Should clarify its order as to the banded rate exemption.**

In subsection (b) of finding and conclusion five the Commission grants a two year waiver of WAC 480-120-104(1)(b). *Order ¶ 13*. Public Counsel requests that the Commission clarify subsection (b) to indicate that the exemption to WAC 480-120-104(1)(b) only applies to the inclusion of minimum and maximum rate information for services offered under banded rates.

**C. The Commission should clarify the scrivener's errors in its Finding and Conclusion.**

At paragraph eleven of the Order in its third finding and conclusion the Commission identified the rule to which Qwest seeks an exemption. Public Counsel believes a scrivener's error may have occurred and the WAC the Commission intended to cite was WAC 480-120-104 and not "140."

Paragraphs thirteen and fourteen are both identified as finding and conclusion number five. The second finding and conclusion number five should be renumbered six, and six should be numbered seven.

**D. The Commission should Reconsider the granting of even these temporary waivers.**

Public Counsel renews its request, made in prior written submissions to the Commission and at the July 9, 2003 open meeting, that the Commission not grant these exemptions for the reasons previously set forth. We reiterate our concern that these temporary waivers have been granted after only a limited review, whereas the rule itself was adopted after an extremely comprehensive three-year rulemaking proceeding.

We recommend that Qwest provide the Commission, Public Counsel and interested stakeholders with further information regarding their account managers, and how they interact with business customers. Qwest should provide data regarding the number of business customers with more than five access lines, and should provide further information regarding how the relationship between the Qwest account manager and the business customer changes depending upon the amount of services they order and the revenue they generate for Qwest, as Mr. Reynolds indicated at the open meeting.

Qwest should also provide further information to the Commission, Public Counsel, and interested stakeholders regarding the range and type of services currently offered under banded rate schedules, the existing rates for those services, and the minimum and maximum rates for

each service. We believe this information should be included in the record of this petition, and made available to all parties for review and possible comment. We continue to believe that customers would like to know the minimum and maximum rates within which their rate could be changed – whether rate changes within the band could be changed upon fifteen (15) days notice to customers, as required by the Order in this docket at Paragraph thirteen, or on ten days notice, as required by the Commission’s Fifteenth Supplemental Order in UT-950200. Pages 11 and 133.

Finally, we renew our objection to granting Qwest a temporary, nine-month waiver as to the inclusion of rate information in the welcome letters and customer notices, as required by WAC 480-120-104(1)(b) and (2)(b). The Commission’s Adoption Order in Docket UT-990146 emphasized the value and importance of including rate information in these customer notices. General Order No. R-507, ¶ 37. The Commission anticipated that carriers would need some time to ensure they were fully compliant with the new rules, and thus the new rules did not become effective until over six months from the date of the Adoption Order. The Commission’s Order in this docket would give Qwest over fifteen months to become compliant with this aspect of WAC 480-120-104, an amount of time that we believe is excessive and unwarranted.

### III. CONCLUSION

For the reasons set forth above, Public Counsel respectfully requests that the Commission clarify and reconsider its Order Granting Temporary Exemptions.

DATED this 21<sup>st</sup> day of July, 2003.

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