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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

REQUEST FOR WAIVER OF)
WAC 480-120-088) Docket No.
)
) PETITION FOR WAIVER
)
_____)

Qwest Corporation (“Qwest”) hereby petitions the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) for a waiver of certain provisions of WAC 480-120-088, a rule pertaining to Automatic Dialing-Announcing Devices (“ADAD”). Qwest is seeking a waiver of the rule only as it applies to the I-CALLED Service, a service recently introduced by Qwest and approved by the Commission, subject to conditions, on January 24, 2001.

Commission Staff have encouraged Qwest to seek this waiver as they believe the I-CALLED service falls within the technical definitions of an ADAD.¹ Qwest agrees that the service is an automatic dialing-announcing device. However, Qwest is not offering its I-CALLED service for advertising or solicitation purposes. Qwest therefore believes the service is not contrary to the spirit and intent of WAC 480-120-088, and a waiver of the rule is warranted.

¹ See WAC 480-120-021.

1 Qwest seeks a waiver of the requirements of: WAC 480-120-088(1) which pertains to prior
2 agreement from the called party; WAC 480-120-088(2) which pertains to a human operator
3 announcement prior to the recorded message and the specified information to be provided; WAC
4 480-120-088(3)(a) which pertains to the specified information to be provided to the called party;
5 and, WAC 480-120-088(5) which pertains to the exclusion of calling unlisted numbers.

6 HISTORY

7 On December 12, 2000, Qwest filed with the Commission a tariff under Advice No.
8 3183T. This filing introduced the I-CALLED service which was allowed to go into effect, subject
9 to conditions as detailed below, at the open meeting held on January 24, 2001. The effective date
10 of the tariff was January 26, 2001.

11 During discussions with Commission Staff regarding this service, Qwest agreed to properly
12 notify its customers of the service and their ability to disconnect the service. The Commission
13 issued an order on January 25, 2001 in Docket No. UT-001953 requiring the notice of the service.

14 THE RULES

15 WAC 480-120-021 defines an Automatic Dialing-Announcing Device (ADAD) as follows:

16 [A]ny automatic terminal equipment which incorporates the following features:

- 17 (1)(a) Storage capability of numbers to be called; or
18 (b) A random or sequential number generator that produces numbers to be called; and
19 (c) An ability to dial a call; and
20 (2) Has the capability, working alone or in conjunction with other equipment, of
21 disseminating a prerecorded message to the number called.

22 WAC 480-120-088 was promulgated by the Commission to protect consumers, in part,
23 from recorded advertising and telemarketing services (see Exhibit A for text of rule). The rule
24 states that automatic dialing-announcing devices cannot be operated unless they meet the
25 conditions outlined in the rule. Those conditions include: prior agreement from the called party to
26 receive such calls; human operator introduction to recorded announcement; complete identification

1 of the calling party; prevention of calling unlisted numbers and calls during certain time periods;
2 and, assurance that the ADAD will not overload the telecommunications facilities.

3 DISCUSSION

4 The I-CALLED service works in the following manner: Caller A places a directly dialed
5 local call to Caller B; Caller B does not answer after approximately six (6) rings (approximately 30
6 seconds); Caller A receives an intercept message from Qwest indicating that, for a 95 cent fee,
7 Caller A can leave a name and number for later delivery; if Caller A accepts and leaves a name and
8 number, Qwest then attempts to deliver Caller A's name and number to Caller B by periodically
9 calling Caller B for up to four days or until such time as Caller B answers, whichever comes first.
10 Note that Caller A can leave a message consisting only of a name and number; no other
11 information can be included in the 13 second maximum message.²

12 As a call completion service, the I-CALLED service will not be used to solicit or advertise
13 for Qwest's or other businesses' services or goods. The I-CALLED service has a temporary
14 storage capability of a number to be called and the ability to dial a call and disseminate a specific
15 prerecorded message consisting of the name and number only. However, the numbers called are
16 not random or sequential. Rather, a specific number is called based on a specific message left for
17 that number by another caller.

18 To the receiving party, I-CALLED disseminates an introductory statement and a maximum
19 13 second message consisting of the name and number of the originating party. Each receiving
20 party will hear the standard introduction to the message but the actual message will differ based on

21 _____
22 ² Only directly dialed local calls will have the I-CALLED service available; emergency numbers are automatically
23 excluded from this service. Additionally, I-CALLED is not available for Centrex, PBX or coin customers, or persons
24 placing 800, 900 and 411 calls.

1 the information left for them by the caller, i.e. the caller's name and number.

2 Qwest customers will be provided with information about the I-CALLED service and how
3 to disconnect both the originating and terminating portion of this service. Qwest customers in
4 specified wire centers are automatically provided with this service unless they request that the
5 service be deactivated on their line. Recipients of the service also automatically receive the
6 message unless they request disablement of the service on their line. Qwest does not believe this
7 complies with WAC 480-120-088(1) and therefore seeks a waiver of the provisions of this section.

8 Qwest seeks a waiver of the requirements noted in WAC 480-120-088(2) wherein the
9 recorded message to both the originating and terminating parties is preceded by an announcement
10 made by a human operator and a waiver of the specified information to be provided. The recorded
11 message included in the I-CALLED service to both the originating and terminating parties will
12 identify that nature of the service. The recorded message will identify to the originating party that
13 the service is Qwest's. However, the terminating party will not receive notice that the I-CALLED
14 service is Qwest's. Neither party will be provided with a telephone number to call if they have
15 questions. Also, neither party will be asked if they are willing to listen to the message. However,
16 either party can desist listening to the message by hanging up at any time. The automated message
17 will include some of the information normally provided by a human operator. However, since the
18 message provided by the I-CALLED service is not preceded by announcement by a human
19 operator, Qwest seeks a waiver of WAC 480-120-088(2) in its entirety.

20 The I-CALLED service will not be used for commercial solicitation. As stated above, the
21 message will identify for the originating party that the service is Qwest's and will state the nature
22 of the call. Neither party will be provided with a telephone number to call if they have questions.
23 The call will automatically disconnect within two seconds of the parties hanging up. The I-
24 CALLED service does not comply with the portions of WAC 480-120-088(3) requiring that the

1 recording state the length of the call, nor does it inform the terminating party that the service is
2 Qwest's, and it does not provide a telephone number to call if there are questions. Therefore,
3 Qwest seeks a waiver of WAC 480-120-088(3)(a).

4 The originating party, and not Qwest, will direct the telephone number that will receive the
5 messages. The originating party may in fact dial an unlisted number, but it is a number which the
6 originating party would already have and not one provided by Qwest. Therefore, Qwest cannot
7 insure that unlisted numbers will be excluded from receiving messages. As such, Qwest seeks a
8 wavier of this provision in WAC 480-120-088(5).

9 The I-CALLED service will automatically exclude 911 emergency numbers as well as
10 seven digit "back-door" emergency numbers which, by law, are served via PBX systems. Qwest
11 will comply with that portion of the rule. The I-CALLED service will also comply with WAC
12 480-120-088(5) in that attempts to deliver the message to the receiving party will be made between
13 9:00 a.m. and 9:00 p.m.

14 Qwest is uncertain if the requirements of WAC 480-0120-088(5) regarding the
15 maintenance of records and production of quarterly reports applies in this situation as Qwest itself,
16 and not an outside vendor, is providing this service. As outlined in the rule, the information Qwest
17 will provide to the Commission is the business operating the ADAD, along with their address and
18 telephone number.³ Qwest will work with Commission Staff to determine how this information
19 needs to be provided to the Commission so that Qwest will be in compliance with this portion of
20 WAC 480-120-088(5). Further, Qwest will comply with the section of WAC 480-120-088(5) in
21 that it will insure that the I-CALLED service will not cause an overload of its facilities.

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24 ³ The requested information is: Qwest Corporation, 1801 California Street, Denver, Colorado, 80202. Phone: (303)
25 992-1400 or (800) 899-7780.

26

1 CONCLUSION

2 For the reasons stated above, Qwest requests a waiver from certain portions of WAC 480-
3 120-088 for its I-CALLED service. Specifically, Qwest seeks a waiver of the requirements of:
4 WAC 480-120-088(1) which pertains to prior agreement from the called party; WAC 480-120-
5 088(2) which pertains to a human operator announcement prior to the recorded message and the
6 specified information to be provided; WAC 480-120-088(3)(a) which pertains to the specified
7 information to be provided to the called party; and WAC 480-120-088(5) which pertains to the
8 exclusion of calling unlisted numbers.

9 Qwest will comply with the January 25, 2001 order in Docket No. UT-001953 by working
10 in cooperation with Commission Staff to prepare proper notice to Qwest's customers of the I-
11 CALLED service and the ability to disconnect this service.

12 Respectfully submitted this 26th day of April, 2001.

13 Qwest

14
15 By _____

16 Lisa A. Anderl, WSBA #13236