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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE PETITION	)	
OF QWEST CORPORATION	)	Docket No. UT-010610
	)	
WAIVER OF CERTAIN PROVISIONS	)	QWEST'S PETITION FOR
OF WAC 480-120-088	)	A PERMANENT WAIVER

Qwest Corporation ("Qwest"), by and through its undersigned counsel, hereby petitions the Commission for a permanent waiver of certain provisions of WAC 480-120-088 as the rule applies to the I-CALLED service, which allows a caller to leave name and number information for future delivery when the called party does not answer. In this Docket, the Commission granted Qwest a temporary wavier of certain provisions of WAC 480-120-088 through April 1, 2002.<sup>1</sup>

In this petition, Qwest seeks a permanent waiver of the provisions previously waived due to technical limitations that prevent I-CALLED from being able to comply with some of the conditions as outlined in WAC 480-120-088. Specifically, Qwest seeks a permanent waiver of WAC 480-120-088(2) pertaining to a human operator announcement prior to the delivery of the recorded message; (3)(a) pertaining to the specified information to be provided; and (5) pertaining to the exclusion of calling unlisted numbers.

As Qwest noted in its original application for waiver in May 2001, Commission Staff encouraged Qwest to seek a waiver, as it believed the I-CALLED service falls within the technical definitions of an Automatic Dialing-Announcing Device ("ADAD"). Qwest agrees that the service falls within the

<sup>1</sup> See Docket No. UT-010610, *Order Granting Waiver of WAC 480-120-088 Automatic Dialing-Announcing Devices ("Order Granting Waiver")*, at ¶ 5.

1 technical definitions of WAC 480-120-021. However, Qwest is not offering this service for advertising  
2 or solicitation purposes and therefore believes the service is not inconsistent with the spirit and intent of  
3 WAC 480-120-088.

#### 4 **I HISTORY**

5 On December 12, 2000, Qwest filed with the Commission a tariff revision under Advice No.  
6 3183T. This filing introduced the I-CALLED service which was approved by the Commission via the  
7 consent agenda at the open meeting held on January 24, 2001. The effective date of the tariff was  
8 January 26, 2001. During discussions with Commission Staff regarding this service, Qwest agreed to  
9 properly notify its customers of the availability of the service and their ability to disconnect the service.<sup>2</sup>

10 On May 30, 2001, the Commission granted Qwest a temporary waiver of certain provisions of  
11 the requirements in WAC 480-120-088, a rule that was promulgated by the Commission to protect  
12 consumers, in part, from recorded advertising and telemarketing services. The rule states that ADADs  
13 cannot be operated unless they meet the conditions outlined in the rule. Those conditions include: prior  
14 agreement from the called party to receive such calls; human operator introduction to recorded  
15 announcement; complete identification of the calling party; prevention of calling unlisted numbers and calls  
16 during certain time periods; and assurance that the ADAD will not overload the telecommunications  
17 facilities.

#### 18 **II DISCUSSION**

19 In its May 2001 petition, Qwest provided comment on how the I-CALLED service works and  
20 what conditions limit adherence of the rule, WAC 480-120-088. The technical limitations stated in that  
21 petition continue to exist. For ease of reference, Qwest will repeat its comments here.

22 The I-CALLED service works in the following manner: Caller A places a directly dialed  
23 intraLATA call to Caller B; Caller B does not answer after approximately six (6) rings (approximately 30  
24 seconds); Caller A receives an intercept message from Qwest indicating that, for a 95 cent fee, Caller A  
25 can leave his name and number for later delivery; if Caller A accepts and leaves his name and number,

26 <sup>2</sup> See Docket No. UT-001953, *Order Requiring Notice of Availability of "I-CALLED" Service*, at ¶ 7.

1 Qwest then attempts to deliver Caller A's name and number to Caller B by periodically calling Caller B  
2 for up to four days or at such time as Caller B answers, whichever comes first. Note that Caller A can  
3 leave a message consisting only of his name and number; no other information can be included in the  
4 message. Also, only directly dialed intraLATA calls will have the I-CALLED service available;  
5 emergency numbers are automatically excluded from this service. Additionally, I-CALLED is not  
6 available for Centrex, PBX or coin customers.

7 As a call completion service, the I-CALLED service will not be used to solicit or advertise for  
8 Qwest's services or goods. The I-CALLED service has a storage capability of numbers to be called and  
9 the ability to dial a call and disseminate a prerecorded message. However, the numbers called are not  
10 random or sequential. Rather, specific numbers are called based on messages left for those numbers by  
11 other callers.

12 To the receiving party, I-CALLED disseminates an introductory statement and the 13 second  
13 message consisting of the name and number of the originating party. Each receiving party will hear the  
14 standard introduction to the message but the actual message will differ based on the information left for  
15 them by the caller (i.e. the caller's name and number).

16 *WAC 480-120-088(1)*. Qwest customers were provided with information about the I-CALLED  
17 service and how to disconnect both the originating and terminating portion of this service. This notification  
18 satisfied the condition detailed in WAC 480-120-088(1).

19 *WAC 480-120-088(2) – Waiver Requested*. Qwest seeks a permanent waiver of the  
20 requirement noted in WAC 480-120-088(2) wherein the recorded message to both the originating and  
21 terminating parties is preceded by an announcement made by a human operator who provides specified  
22 information. The recorded message included in the I-CALLED service will identify to the originating  
23 party that the service is Qwest's, will advise the originating party that for 95 cents they may leave their  
24 name and number for future delivery, and will instruct the originating party that proactive steps are  
25 necessary to activate the service. At any time, the originating party may hang up the phone and try his or  
26 her call later. The recorded message will include the information to be provided by a human operator

1 with the exception of the length of the call.

2           WAC 480-120-088(3) – *Partial Waiver Requested.* The I-CALLED service will not be used  
3 for commercial solicitation by Qwest. As stated above, the message will identify the service as Qwest’s,  
4 will state the nature of the call, and because customer notification took place prior to the deployment of  
5 the service, both the originating and receiving party have been provided with a Qwest number to call  
6 should they have questions or wish to disconnect the service. I-CALLED will automatically disconnect  
7 within two seconds of the parties hanging up. The only portion of WAC 480-120-088(3) that the I-  
8 CALLED service does not comply with is a recording stating the length of the call. Qwest requests a  
9 permanent waiver of the requirement that the announcement state the length of the message as listed in  
10 both WAC 480-120-088(2) and WAC 480-120-088(3). The recorded message will consist of less than  
11 13 seconds of total recorded message.

12           WAC 480-120-088(4). WAC 480-120-088(4) does not apply in this situation, as the I-  
13 CALLED service will not be used for emergency notification.

14           WAC 480-120-088(5) – *Partial Waiver Requested.* The originating party, and not Qwest, will  
15 direct who will receive the messages. Therefore, Qwest cannot ensure that unlisted numbers will be  
16 excluded from receiving messages. As such, Qwest seeks a wavier of this provision in WAC 480-120-  
17 088(5). The service will automatically exclude emergency numbers, as well as 800, 900 and 411 calls,  
18 and Qwest will comply with that portion of the rule. The I-CALLED service will also comply with WAC  
19 480-120-088(5) in that attempts to deliver the message to the receiving party are made between 9:00  
20 a.m. and 9:00 p.m.

21           Around the time of the Commission’s grant of the temporary waiver, Qwest and Commission  
22 Staff worked out an arrangement whereby Commission Staff would maintain a log of all customer  
23 complaints regarding the I-CALLED service in Washington that are logged with the Qwest Product  
24 Manager and forwarded by Qwest’s sales offices. Staff did not feel it was necessary to produce a  
25 quarterly report. Instead, Staff stated that it would be sufficient if Qwest informed Staff of all complaints  
26 received by Qwest’s business office so that Staff could measure the volume of such complaints in order to

1 assess the impact of the service on consumers. Qwest believes that only one customer complaint has  
2 ever been lodged – and that complaint was lodged near the time the product was first introduced in 2001.  
3 Qwest will continue to work with Commission Staff in this regard. Further, Qwest will comply with the  
4 section of WAC 480-120-088(5) in that it will ensure that the I-CALLED service will not cause an  
5 overload of its facilities.

6 **III. CONCLUSION**

7 For the reasons stated above, Qwest requests a permanent waiver from certain portions of WAC  
8 480-120-088 for its I-CALLED service. Specifically, Qwest seeks a permanent waiver of the  
9 requirements of WAC 480-120-088 that pertain to a human operator announcement prior to the  
10 recorded message, the notification of the length of the recorded message, and the exclusion of calling  
11 unlisted numbers.

12 Respectfully submitted this \_\_\_\_ day of October, 2002.

13 Qwest

14  
15 By \_\_\_\_\_

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