

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

REQUEST FOR A WAIVER OF CERTAIN PROVISIONS OF WAC 480-120-141(2)(b))	Docket No. UT-990043 AMENDMENT TO PETITION FOR WAIVER
---	---	--

Qwest Corporation (“Qwest”), formerly U S WEST Communications, Inc., hereby amends its petition the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) for a waiver of WAC 480-120-141(2)(b). Qwest seeks this amendment to the petition for waiver due to safety, security and fraud concerns associated with inmates using pay phones in correctional facilities and their access to live operators for disclosure of rate information. Qwest is working to implement technology that will restrict inmate access to live operators yet make rate information available to the party in receipt of the collect call from an inmate. Qwest is seeking a permanent waiver of the rule as it relates to the originating party, collect calls from inmate pay phones, and seeks a temporary waiver as it relates to the recipient of the collect call from an inmate until technology can be deployed across the state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HISTORY

On December 29, 1998, the Commission filed with the Code Reviser the Rulemaking for Pay Phone and Operator Services Providers. This state regulation was intended, in part, to implement consumer protections regarding pay phone use. Following is the language that was filed:

(2) Disclosure

- (b) Verbal disclosure of rates. 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 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 pay phones or other aggregator locations, including prison phones, and store-and-forward pay phones or “smart” telephones. After hearing an OSP’s message, a consumer may waive their right to obtain specific rate quotes for the call they wish to make by choosing not to press the key specified in the OSP’s message to receive such information or by hanging up. The rate quoted for the call must include any applicable surcharge. Charges to the user must not exceed the quoted rate.

On January 13, 1999, Qwest filed a Petition for waiver of this rule.

CURRENT STATUS

Qwest has proceeded with the implementation of technology that will allow us to meet the requirements of the rule, with the exception of pay phones in correctional facilities. It is anticipated that we will be in compliance by no later than September 30, 2000. As of that date, consumers who use make calls which are subject to this rule will be able to reach a live operator and obtain a rate quote by following voice prompts and pressing a specifically identified button.

AMENDMENT TO WAIVER

At this time Qwest is seeking a permanent waiver of the rule requirements for pay phone

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

calls originating from inmates. The only technically feasible manner in which Qwest can fulfill the verbal disclosure obligation is through a referral to a live operator. Penal authorities have raised security and fraud prevention concerns. They have requested that there should be no circumstance in which an inmate should have access to Qwest's live operators. Therefore, Qwest requests a permanent waiver of the rule regarding verbal rate disclosure to inmates who are the persons originating the operator assisted calls, nearly all of which are collect calls, made from an inmate phone at a correctional facility.¹

Qwest is not seeking a permanent waiver of the rule with regard to the person receiving the operator assisted call, and will make available the verbal disclosure option to those persons. However, Qwest is still in the process of developing the technology to allow the receiving party but not the originating party access to verbal rate disclosure. Qwest, therefore, seeks a temporary waiver to December 31, 2000 regarding this portion of the rule. Qwest is negotiating an earlier delivery date with its vendor and will have a timeline available the week of October 2, 2000 regarding deployment of this technology to the 30 correctional facilities at which Qwest pay phones are located.

CONCLUSION

For the reasons noted above Qwest requests a permanent waiver from WAC 480-120-141(2)(b) with regard to calls originating from inmate pay phones. Qwest also requests a temporary waiver of the rule to December 31, 2000 with regard to verbal disclosure to persons

///
///

¹ Qwest has previously sought and obtained a waiver of the applicable pay phone rule requirements in connection with these types of calls as detailed in WAC 480-120-138. See Order dated February 9, 2000 in Docket No. UT-000046.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

receiving operator assisted calls from inmate pay phones. Qwest anticipates it will be in full compliance with the remainder of the rule no later than September 30, 2000.

Respectfully submitted this 20th day of September, 2000.

Qwest

By _____
Lisa A. Anderl, WSBA #13236