

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

**In the Matter of the Telecom Tune-
up Rulemaking**

**DOCKET NO. UT-040015
Telecom Tune-Up**

**Comments of the
Citizens' Utility Alliance of Washington
February 20, 2004**

Introduction

The Citizens' Utility Alliance of Washington (Alliance), a program of Spokane Neighborhood Action Programs (SNAP) respectfully submits the following comments pertaining to the above referenced docket. We thank the Commission for this opportunity to comment and for its careful consideration of these important issues.

The comments submitted are preliminary in nature. We welcome the opportunity to participate in this process and to work with the Commission and others on these important issues.

Comments

1. Telephone customer privacy rules

As the Court stated in its opinion dated August 26, 2003, overturning Washington's telephone customer privacy rules, "there is a substantial state interest in ensuring that consumers be given an opportunity to approve uses of their CPNI." Consumers have a

“privacy interest”.

In light of the Court’s opinion, we ask the Commission to explore how Washington can best protect consumers’ privacy interest in this personal confidential information. What should be developed is a road map that details what needs to happen in order for Washington residents to have the highest level of privacy protection possible. The process recommended should include possible legislative as well as administrative actions that could be taken.

Possible areas of examination include addressing the issue of rule complexity and consumer confusion by simplifying the rules to require customer “opt-in” in all circumstances. Another area that begs exploration, and one recommended by the Court is the issue of “opt-out” notices. A consumer survey could be done to judge the effectiveness of the “opt-out” notices issued since the court’s ruling and whether they were effective in notifying customers and informing them of the issues involved. If they were not effective, more stringent notification rules should be adopted.

2. WAC 480-120-173

The Alliance thinks that if there are some that believe there is confusion in the language of the rule, that any confusion, whether real or imagined, should be resolved in favor of consumers. The word “restored” is not defined in the rules. However, WAC 480-120-021 defines “discontinue” to mean: “the termination of service to a customer”.

There is no time period stated either in this definition or identified in the rule to indicate that “restoring service” means that the provisions of the rule are meant to apply only for a limited amount of time after a disconnection. If the Commission had meant for the rule to apply only in limited circumstances, we think it would have expressly said as much and it would have defined “restoring service”.

Finally, as a matter of policy, to limit the applicability of the rule to some limited time period, would be to grossly reduce this important remedy for people that need to reestablish basic phone service. As SNAP argued time and again in it's comments that were submitted as a part of docket UT-990146, basic phone service is an essential tool to helping low-income and vulnerable households improve their lives. This rule provides a reasonable mechanism to obtain basic phone service and also repay companies for prior obligations.

3. WAC 480-120-174

SNAP first suggested a special repayment rule for WTAP and tribal lifeline eligible households in our comments to docket UT-990146, dated November 5, 2001. In those comments and others filed on November 1, 2002 we identified the importance that such a rule would have in enabling low-income and vulnerable households to begin to improve their lives by reestablishing basic phone service. The proposed rule underwent several modifications, we assume to address the concerns of others, before final adoption.

Nowhere in the rule text is there any discussion of a limited time period under which customers may avail themselves of the use of the rule. If there had been that intent we think the Commission would have seen fit to state such a limitation, or would have defined "restoring service," but it did not. Indeed, in paragraph 168 of its order under which this rule was adopted the Commission states, "We have adopted a rule that provides for generous repayment terms for prior obligations arising out of local service." WAC 480-120-021 states, 'Prior obligation' "means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment." The definition places no time constraints on the use of the term.

To interpret the rule to work only for a very limited time period would severely limit its use almost to nothing. We think that the available evidence shows that after careful consideration the Commission developed a rule that provides a reasonable mechanism for WTAP and tribal lifeline eligible households to obtain basic phone service and also repay companies for prior obligations.

4. Requirement to offer WTAP Service

The Alliance is not ready to make a recommendation on the modification of this rule. We think the most important consideration is that all residents of Washington, from every part of the state, be able to participate in the program if they are eligible.

Respectfully submitted this 20th day of February, 2004

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