

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the Rule-Making
Proceeding Related To

Utilities General – Tariffs, Price Lists, and
Contracts: Chapter 480-80 WAC

DOCKET NO. U-991301

Comments of Public Counsel

Attorney General of Washington

August 14, 2001

Public Counsel files these comments in response to the Commission's August 3, 2001 Notice of Opportunity to File Written Comments. As were our previously filed comments to this docket, our comments today are limited to the issue of price lists.

Public Counsel continues to support enhancing the notice and disclosure requirements of the rule to better inform customers of the prices, terms and conditions that govern their relationship with the company they have chosen to provide competitively classified telecommunication services. To this end, Public Counsel has the following comments to the draft rule.

480-120-2X3(6). Public Counsel remains concerned that this provision, allowing competitively classified services to be offered under a banded-rate price list, creates the risk of sales personnel engaging in "bait-and-switch" tactics within the rate band. To address this

concern, Public Counsel reiterates its proposal that 480-80-2X2 contain the following provision:

In any dispute regarding the price for a service offered under a price list pursuant to WAC 480-80-2X3(6), the Commission will construe any conflict or ambiguity in favor of the customer.

This language would augment the existing provision of 480-80-2X2(2) by protecting the customer from not only those ambiguities arising from the price list itself, but also from ambiguities resulting from the representations of sales personnel. Public Counsel feels that such a provision would create a disincentive for bait-and-switch sales tactics, and encourage telecommunications companies to carefully monitor their customer service and sales practices.

480-80-2X5. Public Counsel fully supports this provision requiring that customers have access to price lists via the web, phone, or mail. We believe this provision could be made even more effective by incorporating the following suggestions:

1. 2X5(2) should specify that companies must provide the uniform resource locator (“URL”) to the precise web *page* containing the price list (the current draft refers to a web *site*). This modification would seek to avoid the scenario where a company simply provides the address to their home page, leaving the customer to search the labyrinthine site in hopes of finding the page containing price list. Additionally, the language should state that companies must provide a conspicuous link to the price list on the face of their home page. This modification would seek to serve those customers who may miss the notice in their bill, but who instead think to search the company’s website for the price list.
2. 2X5(2) should specify that the URL to the price list must be *prominently* located in the customer bill or notice. Such a provision would prevent companies from burying such

information in the fine print. To incorporate both this suggestion and #1, above, Public Counsel recommends the following language: Each utility must prominently include in each customer bill or notice the internet address (uniform resource locator) to the precise web page containing its price list. In addition, each company's home page must contain a conspicuous link to the web page containing the price list.

3. 2X5(3) should clarify that companies must include in customer bills or notices the address and phone number through which a customer may request a price list, and that the price list will be provided *free of charge*. While the draft already requires companies to provide price lists free of charge to those who make oral or written requests, it does not require companies to inform customers of that fact. Public Counsel therefore proposes the following language: Each utility must prominently include in each customer bill or notice the address and phone number through which a customer may make an oral or written request for a price list. The notice should indicate that price lists will be provided free of charge.
4. 2X5 should include a provision requiring any third party payment agency to notify customers of the availability of price lists.
5. Finally, Public Counsel would like to ensure that any change to either the rate band or any material terms in the price list (constituting a modification or a new price list) triggers a requirement to notify customers of the change and the availability of an updated/new price list. We are aware that a draft of certain sections of WAC 480-120 regarding customer notice rules is currently under consideration in docket number UT-990146, and that such a provision could foreseeably be included in that code section. However, a provision regarding

customer notice for price list changes does not currently exist in either WAC 480-120-041 or in WAC 480-80-2X5. As such, Public Counsel recommends that such a provision be adopted in one or both sections.

Conclusion

Public Counsel believes these proposed modifications make strides toward maximizing the notice function of price lists and protecting consumers from sales abuses that could occur within a banded rate. We look forward to reviewing the CR-102 proposal at the September 12 open meeting.