

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

TEL WEST COMMUNICATIONS, LLC

Respondent.

DOCKET NO. UT-020577

COMPLAINT

1 The Washington Utilities and Transportation Commission on its own motion, and through its
Staff, alleges as follows:

I. PARTIES

2 The Commission is an agency of the State of Washington, authorized by Title 80 RCW to
regulate the rates, practices, accounts, and services of telecommunications companies.

3 Tel West Communications, LLC (Tel West) is a telecommunications company registered to
provide telecommunications services in the state of Washington subject to the provisions of
Title 80 RCW and Chapter 480-120 WAC.

II. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to Chapter 34.05 RCW, RCW
80.01.040, RCW 80.04.110, RCW 80.36.130, and Chapter 480-09 WAC, WAC 480-
120-081, and WAC 480-120-116.

III. STATEMENT OF FACTS

5 Commission Staff initiated an investigation into the business practices of Tel West. As a
result of the investigation, Commission Staff believes, and therefore alleges, as follows:

6 1) Tel West failed to issue a written notice of an impending disconnection

before terminating a customer's telephone service on 19 separate occasions;

7 2) Tel West's staff informed customers that the company's policy was to provide future credit for amounts due to the customer, but would not issue cash refunds. Tel West failed to provide a customer with refunds for overcharges on one occasion; and

8 3) Tel West charged customers rates and charges not listed in its current price list on file at the Commission on 20 separate occasions.

IV. FIRST CLAIM FOR RELIEF

9 The Commission, through its Staff, realleges paragraphs 2 through 8.

10 WAC 480-120-081(5)(a) requires telecommunication companies to provide a written notice of disconnection before terminating a customer's telephone service.

11 Tel West violated WAC 480-120-081(5)(a) by failing to issue a written notice of the impending disconnection before terminating a customer's telephone service on 19 separate occasions.

V. SECOND CLAIM FOR RELIEF

12 The Commission, through its Staff, realleges paragraphs 2 through 8.

13 WAC 480-120-116 requires telecommunication companies to provide refunds to customers for overcharges.

14 Tel West violated WAC 480-120-116 when the company refused to refund amounts due to a customer.

VI. THIRD CLAIM FOR RELIEF

15 The Commission, through its Staff, realleges paragraphs 2 through 8.

16 RCW 80.36.130(1) restricts telecommunication companies from charging, demanding, collecting or receiving different compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at the time.

- 17 Tel West violated RCW 80.36.130(1) by charging customers rates and charges not listed in its current price list on file at the Commission on 20 separate occasions.

VII. COMPLAINT

- 18 The Commission finds reasonable cause to determine that violations may have occurred and it therefore commences an adjudicative proceeding pursuant to Chapter 34.05 RCW and Chapter 480-09 WAC for the following purposes:

- 19 (1) To determine whether Tel West has failed to comply with the applicable laws, rules, and orders of the Commission as set forth in the allegations above.
- 20 (2) To determine whether the Commission should assess monetary penalties against Tel West based on alleged violations of Commission rules identified by Staff during its investigation of company practices.
- 21 (3) To make such other determinations and enter such orders as may be just and reasonable.

DATED at Olympia, Washington, and effective this 23rd day of October 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner