

1 UT-990146  
2 Chapter 480-120 - Telecommunications - Operations

3 **DRAFT**

4 **CONSUMER RULES**

5 **WAC 480-120-031, X02, 041, 042, X31, 045,**  
6 **056, X21, 057, 058, 061, 081, X07, X32, X22, 087,**  
7 **088, 089, 101, X33, 106, X34, 116, 121, 138, 139, 141, 144**

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9  
10 April 30, 2001

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13 **WAC 480-120-031 Accounting requirements for companies not competitively**  
14 **classified.**

15 (1) Companies with two percent or more of state access lines and companies with less  
16 than two percent of state access lines are classified as follows:

17

18	<b>Class</b>	<b>Number of Access Lines as of</b>
19		<b>December 31 from prior year's</b>
20		<b>annual report</b>
21		
22	A	2% or more of state access
23		lines
24	B	Less that 2% of state access
25		lines
26		

27 For example:

28	Company X access lines as of 12/31/98	33,823
29		
30	Divided by	_____
31		
32	Total state access lines as of 12/31/98	3,382,320
33		
34	Equals company access lines as a percentage	
35	of total access lines.	1%
36		

37 Therefore, company X is a Class B company.

38 (2) For accounting purposes companies not competitively classified must use the  
39 *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies*  
40 published by the Federal Communications Commission (FCC) and designated as Title  
41 47, Code of Federal Regulations, Part 32, (47 CFR 32, or Part 32). The effective date  
42 for Part 32 is stated in WAC 480-120-999. Class B companies may use Class A  
43 accounting. Companies not competitively classified wishing to adopt changes to the

44 USOA made by the FCC after the date specified in WAC 480-120-999, must petition for  
45 and receive commission approval.

46 (3) The commission modifies Part 32 as follows:

47 (a) Any reference in Part 32 to "Commission," "Federal Communications  
48 Commission," or "Common Carrier Bureau" means the Washington Utilities and  
49 Transportation Commission.

50 (b) Companies not competitively classified must keep subsidiary records to  
51 reflect Washington intrastate differences when the commission imposes accounting or  
52 ratemaking treatment different from the accounting methods required in WAC 480-80-  
53 031(2). Companies not competitively classified must maintain subsidiary accounting  
54 records for:

- 55 (i) Residential basic local service revenues;
- 56 (ii) Business basic local service revenues;
- 57 (iii) Access revenues for each universal service rate element;
- 58 (iv) Special access revenues; and
- 59 (v) Switched access revenues.

60 (c) Part 32 section 24, compensated absences, is supplemented as follows:

61 (i) Companies not competitively classified must record a liability and  
62 charge the appropriate expense accounts for sick leave in the year in which the sick  
63 leave is used by employees.

64 (ii) Companies not competitively classified must keep records for:  
65 (A) Compensated absences that are actually paid.  
66 (B) Compensated absences that are deductible for federal income  
67 tax purposes.

68 (d) Companies not competitively classified that have multistate operations must  
69 keep accounting records that provide Washington results of operations. The methods  
70 used to determine Washington results of operations must be acceptable to the  
71 commission.

72 (e) Part 32 section 32.11(a) is replaced by section (1).

73 (f) Part 32 section 32.11(d) and (e) are replaced by section (1).

74 (g) The commission does not require Part 32 section 32.2000(b)(4).

75 This rule does not supersede any accounting requirements specified in a commission  
76 order, nor will it be construed to limit the commission's ability to request additional  
77 information on a company specific basis. This rule does not dictate intrastate  
78 ratemaking.

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81 **WAC 480-120-X02 Reporting requirements for companies not competitively**  
82 **classified.**

83 (1) Annual Reports for companies not competitively classified. The commission will  
84 distribute an annual report form as specified in section (c)(i), (ii), and (iii), and a  
85 regulatory fee form. A company not competitively classified must:

86 (a) Complete both forms, file them with the commission, and pay its regulatory  
87 fee, no later than May 1 of each year;

88 (b) Provide total number of access lines as required on the annual report form;

89 and

90 (c) Provide income statement and balance sheet for total company and results of  
91 operations for Washington and Washington intrastate.

92 (i) Class A companies that the FCC classified as Tier 1 telecommunications  
93 companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

94 (ii) All other Class A companies must file annual reports on the form  
95 prescribed by the commission.

96 (iii) Class B companies must file annual reports as prescribed by RCW  
97 80.04.530(2).

98 (2) Quarterly Reports for companies not competitively classified.

99 (a) All Class A companies must file results of operations quarterly.

100 (b) Each report will show monthly and twelve-months-ended data for each month  
101 of the quarter reported.

102 (c) The reports are due ninety days after the close of the period being reported,  
103 except for the fourth-quarter report which is due no later than May 1 of the following  
104 year.

105 (3) Methods used to determine Washington intrastate results of operations must  
106 be acceptable to the commission.

107 (4) This rule does not supersede any reporting requirements specified in a commission  
108 rule or order, or limit the commission's authority to request additional information.

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111 **WAC 480-120-041 Availability of information.**

112 (1) Each company must provide to its applicants and customers the information needed  
113 to obtain services required by this rule.

114 (2) Each company must make copies of Chapter 480-120 WAC,  
115 telecommunications rules, and the company's current tariff(s) and, if applicable, price  
116 list(s), available to its applicants and customers upon request and at all of its listed  
117 business offices. The company may provide the information electronically if acceptable  
118 to the applicant or customer.

119 (3) Each company must provide the customer, within one week from the  
120 application date for any new service, a confirming notice or welcome letter that  
121 provides, at a minimum:

122 (a) The company's business office hours and toll-free telephone number, mailing  
123 address, and repair number;

124 (b) Confirmation of the services being provided to the customer by the company,  
125 the installation or activation date, and the rates, terms, and conditions for each service.  
126 If the service is provided under a banded rate schedule the current rate, including the  
127 minimum and maximum at which the customer's rate may be shifted;

128 (c) The name, address, and toll-free telephone numbers of the customer's  
129 presubscribed interLATA and intraLATA carriers, if applicable; and

130 (d) Notice of the existence of the consumer information guide required by section  
131 (5).

132 (4) Each company must provide a customer a confirming notice within three  
133 business days of receiving a customer request for or making a company-initiated

134 change to a service(s) which results in the addition of a service, a change from one rate  
135 schedule to another, or a material change in an existing service. The confirming notice  
136 must provide at a minimum, the following information in clear and conspicuous  
137 statement:

138 (a) The appropriate business toll-free telephone number to call if they have  
139 questions;

140 (b) A plain language statement that indicates the changes in the service(s) and  
141 the material effects of the change(s), including if applicable, a comparison between a  
142 previous rate and current rate.

143 (c) A plain language statement indicating that the customer has twenty-one days  
144 from the date the notice is mailed to dispute the changes in or addition of new  
145 service(s). If protest is not received within the specified time frame the charges will be  
146 considered correct and binding until canceled by the customer.

147 (5) A local exchange company (LEC) must publish in any directory that it  
148 provides to its customers, a consumer information guide detailing the rights and  
149 responsibilities of a customer. The guide must describe the:

150 (a) Process for establishing credit and determining the need and amount for  
151 deposits;

152 (b) Procedure by which a bill becomes delinquent;

153 (c) Steps that must be taken by the company to disconnect service;

154 (d) Washington Telephone Assistance Program (WTAP), including the  
155 appropriate contact numbers within the company and the department of social and  
156 health services;

157 (e) Enhanced tribal lifeline program; and

158 (f) Right of the customer to pursue any dispute with the company, including the  
159 appropriate procedures within the company and the commission by informal or formal  
160 complaint.

161 (6) A LEC must make the following information available upon request:

162 (a) The name, address, and telephone number for the intraLATA and interLATA  
163 interexchange company to which the customer's account is currently subscribed; and

164 (b) A minimum of one year account history reflecting changes of an  
165 interexchange company, providing the name, address and telephone number for each  
166 interexchange company.

167 (7) When an applicant or customer contacts the LEC to select or change an  
168 interexchange company, the company must recommend that the customer contact the  
169 chosen interexchange company to confirm that an account has been or is being  
170 established by the interexchange carrier for the applicant.

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173 **WAC 480-120-042 Directory service.**

174 (1) A local exchange company (LEC) must ensure that a telephone directory is regularly  
175 published for each exchange, listing the name, address (unless omission is requested),  
176 and telephone number pertaining to each customer, other than those customers who  
177 have requested a nonlisted or nonpublished telephone number, who can be called in  
178 that exchange.

179 (2) Any residential customer may request a dual-name primary directory listing  
180 that contains, in addition to the customer's surname the customer's given name or  
181 initials (or combination thereof) and either one other person with the same surname who  
182 resides at the same address or a second name, other than surname, by which the  
183 customer is also known, including the married name of a person whose spouse is  
184 deceased. If a customer requests a dual-name listing, any additional directory listing  
185 must be a dual-name listing unless the customer requests otherwise.

186 (3) Each LEC must furnish to each of its customers a directory or directories that  
187 contain listings for all customers who can be called toll-free from that customer's  
188 exchange (excluding wats). If a customer requests a local exchange directory other  
189 than the one(s) provided for above, the company may apply a charge equal to, but no  
190 more than, its actual costs for provision of and mailing of, the directory, plus \$0.50.

191 (4) Telephone directories published at the direction of the LEC must be revised at  
192 least once every fifteen months, except when it is known that impending service  
193 changes require rescheduling of directory revision dates. To keep directories correct  
194 and up to date, companies may revise the directories more often than specified. The  
195 commission may allow exemptions from these requirements for good cause shown.

196 (5) Each LEC that publishes a directory, or contracts for the publication of a  
197 directory, must print an informational listing when one is requested by any other LEC  
198 providing service in the area covered by the directory. The LEC publishing a directory  
199 or contracting for publication may impose reasonable requirements on the timing and  
200 format of informational listings, provided that these requirements do not discriminate  
201 between LECs.

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204 **WAC 480-120-X31 Intercept services.**

205 (1) **Directory error.** In the event of an error in the listed number of any customer, the  
206 customer's LEC must, until a new directory is published, intercept all calls to the  
207 incorrectly listed number to give the calling party the correct number of the called party,  
208 provided it is permitted by existing central office equipment and the incorrectly listed  
209 number is not a number presently assigned to another customer. In the event of an  
210 error or omission in the name listing of a customer, the directory assistance operator  
211 must maintain in the files the customer's correct name and telephone number, and must  
212 furnish the correct number to the calling party upon request. The company may not  
213 charge a customer for the intercept under these circumstances.

214 (2) **Company-directed telephone number change.** Whenever a customer's  
215 telephone number is changed, for any reason, after a directory is published, and the  
216 change is made at the LEC's direction, the LEC must, at no charge, intercept all calls to  
217 the former number, if existing central office equipment will permit, until a new directory  
218 is published that reflects the customer's new number. The company must provide the  
219 calling party the new number for that customer unless the customer has requested that  
220 such referral not be made.

221 (3) **Customer-directed telephone number change.** Whenever a customer's  
222 telephone number is changed at the customer's request, absent extraordinary  
223 circumstances, the local exchange company, must at no charge, intercept all calls to the

224 former number, if existing central office equipment will permit, for a minimum period of  
225 thirty days. The company must provide the calling party the new number for that  
226 customer unless the customer has requested that such referral not be made.

227 (4) A company may provide and may bill for intercept services, other than those  
228 described in section (a) through (c), that are requested by the customer.

229 (5) When the company schedules additions or changes to plant or records that  
230 necessitate number changes for multiple customers, the company must give a minimum  
231 of six months' notice to all customers then of record and so affected even though the  
232 additions or changes may coincide with a new directory being issued.

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235 **WAC 480-120-045 Local calling areas.**

236 (1) The commission may expand local calling areas only under the most exceptional  
237 circumstances. The commission will generally rely on long distance competition, local  
238 competition, and optional calling plans that assess additional charges only to  
239 participating customers, to meet customer demand for alternate or expanded calling.

240 (2) In evaluating requests for expanded local calling, the commission will  
241 consider whether the local calling area is adequate to allow customers to call and  
242 receive calls from community medical facilities, police and fire departments, city or town  
243 government, elementary and secondary schools, libraries, and a commercial center.  
244 The commission will consider the overall community of interest of the entire exchange;  
245 and may consider other pertinent factors such as customer calling patterns, the  
246 availability and feasibility of optional calling plans, and the level of local and long  
247 distance competition.

248 (3) Customers must make requests for expanded local calling areas under RCW  
249 80.04.110 (the commission's complaint statute).

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252 **WAC 480-120-056 Establishment of credit - Residential services.**

253 (1) For purposes of this section "Basic local service" means exchange access line and  
254 911 access and "Local ancillary services" means all local service features excluding  
255 basic local service.

256 (2) **Basic local service deposit.** A local exchange company (LEC) may, if  
257 provided for in its tariff or price list, require an applicant or customer of basic local  
258 service to pay a local service deposit if the applicant or customer has received two or  
259 more delinquency notices for basic local service during the last twelve-month period  
260 with that company or another company, has had basic local service disconnected for  
261 nonpayment during the prior twelve months, or has an unpaid, overdue balance owing  
262 to a company for basic local service charges.

263 (3) **Local ancillary services deposit.** A LEC may require an applicant or  
264 customer of local ancillary services demonstrate satisfactory credit by reasonable  
265 means or pay a deposit consistent with section (5) and (6).

266 (4) **Interexchange services deposit.** A LEC may require an applicant or  
267 customer of interexchange services demonstrate satisfactory credit by reasonable  
268 means or pay a deposit consistent with (5) and (6).

269 (5) **Post-service deposits.** The company may require a deposit after it provides  
270 service without a deposit based on incorrect information from the customer and if the  
271 customer, otherwise would have been required to pay a deposit.

272 (6) **Amount of deposit.** When a company requests a deposit from an applicant  
273 or customer, the amount of the deposit may not exceed two months' customary use for  
274 an applicant or customer with previous verifiable service of the same class or two  
275 months' estimated usage for an applicant or customer without previous verifiable  
276 service. Customary use is calculated using charges for the previous three months'  
277 service.

278 (7) **Deposit payment arrangements.** When an applicant or customer is  
279 required to pay a deposit, but is unable to pay the entire amount in advance of  
280 connection or continuation of service, the following will apply:

281 (a) **Basic local exchange service (dial tone).** The customer may pay fifty  
282 percent of the deposit amount before installation or continuation of service, with the  
283 remaining amount payable in equal amounts over the following two months.

284 (b) Where technically feasible, the applicant or customer may accept a toll-  
285 restricted basic local service until satisfactory credit is established, in lieu of payment of  
286 the deposit, or until a deposit is paid.

287 (c) **Interexchange services.** The customer may pay fifty percent of the deposit  
288 amount before installation or continuation of service, with the remaining amount payable  
289 in equal amounts over the following two months.

290 (d) **Ancillary local exchange services.** A company is not required to allow  
291 extended payment on ancillary local exchange services (e.g. custom calling services,  
292 caller i.d.). A company may require an applicant or customer to pay a deposit equal to  
293 two months' charges for ancillary service before providing or continuing ancillary  
294 services.

295 (8) **Deposit requirement notice.**

296 (a) When a company requests a new deposit or a larger deposit amount after  
297 service has been established, the company must provide a written notice of the reasons  
298 for the request to the customer, assures the request complies with the standards  
299 provided in this rule, and states the date the deposit must be paid and the actions the  
300 company may take if the deposit is unpaid.

301 (b) Except for circumstances in section (8), the deposit or additional deposit  
302 amount may not be due and payable before 5:00 p.m. of the sixth business day after  
303 notice of the deposit requirement is mailed or 5:00 p.m. of the second business day  
304 following delivery, if the notice is delivered in person to the customer.

305 (9) **Deposit request for high toll.** Companies having the authority under their  
306 tariff or price list may subsequently require a customer to pay a new or additional  
307 deposit or advanced toll charges if a customer's toll use exceeds the amount currently  
308 held as an interexchange deposit or exceeds customary use over the previous six  
309 months by twenty dollars or twenty percent.

310 Companies must provide notice either verbally or in writing. If the notice is  
311 mailed, companies may presume receipt upon the fourth business day following the  
312 date of mailing. Before the close of the next business day following receipt of the  
313 notice, the customer must be allowed the option to pay either full payment of the

314 outstanding toll charges specified in the notice or all toll charges accrued to the time of  
315 payment providing the customer has been notified of liability for toll charges in addition  
316 to those charges specified in the notice that come to the attention of the company  
317 between the time of notice and payment, or payment of a new or additional deposit in  
318 light of the customer's actual use based on two months' customary use.

319 The company must also inform the customer that if the customer is unable to pay  
320 either full payment of the outstanding toll charges specified in the notice or all toll  
321 charges accrued to the time of payment or chooses not to pay, service may be toll  
322 restricted.

323 (10) **Transfer of deposit.** When a customer who must pay a deposit moves to a  
324 new address within the same company's service territory, the company must transfer  
325 the deposit, less any outstanding balance and apply the deposit balance to the new  
326 service location.

327 (11) **Guarantee in lieu of deposit.** When a residential applicant or customer  
328 cannot establish credit or cannot pay a deposit or extended payments, the applicant or  
329 customer may furnish a satisfactory guarantor who will secure payment of bills for  
330 service requested and in a specified amount not to exceed the amount of required  
331 deposit, resides in the state of Washington, and currently has service with the company  
332 requesting the deposit. A company must not charge for toll restriction when a  
333 satisfactory guarantee is provided as an alternative to payment of a deposit.

334 (12) **Interest on deposits.** Interest on deposits must accrue at a rate based  
335 upon a simple average of the effective interest rate for new issues of one-year treasury  
336 bills; computed from December 1 of each year continuing through November 30 of the  
337 following year; earn that interest rate during January 1 through December 31 of the  
338 subsequent year; be computed from the time of deposit to the time of refund or total  
339 application of the deposit. Interest will be compounded annually.

340 (13) **Refunding deposits.** Companies must refund deposits, plus accrued  
341 interest, to a customer when the customer has paid for service for twelve consecutive  
342 months in a prompt and satisfactory manner, such as the company has not initiated  
343 disconnection proceedings against the customer's account for nonpayment during that  
344 period and the company has sent no more than two delinquency notices to the  
345 customer during that period or the customer or the company terminates the service(s)  
346 for which the deposit is being held. If the customer is terminating a particular class of  
347 service for which a deposit is being held and is reestablishing the same class of service  
348 with another company who is authorized by the commission to collect deposits, the  
349 company is not required to refund the deposit.

350 Companies must apply the deposit, plus accrued interest, to the customer's  
351 telephone account for service in the thirteenth month and, if appropriate, in subsequent  
352 months once satisfactory credit is established; or

353 Upon customer request, companies must refund the deposit, plus accrued interest in  
354 the form of a check issued and mailed to the customer no longer than fifteen days after  
355 twelve months' satisfactory payment or terminating service as described above.

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358 **WAC 480-120-X21 Establishment of credit - Business services.**



359 (1) For purposes of this section “Basic local service” means exchange access line and  
360 911 access and “Local ancillary services” means all regulated local service features  
361 excluding basic access line.

362 (2) A company having authority under its tariff or price list may require a business  
363 applicant or customer to demonstrate satisfactory credit by reasonable means  
364 appropriate under the circumstances.

365 (3) **Post-service deposits.** The company may require a deposit after it provides  
366 service without a deposit based on incorrect information from the customer, and the  
367 customer otherwise would have been required to pay a deposit.

368 (4) **Amount of deposit.** When a company requests a deposit from an applicant  
369 or customer, the amount of the deposit may not exceed two months’ customary use for  
370 an applicant or customer with previous verifiable service of the same class or two  
371 months’ estimated usage for an applicant or customer without previous verifiable  
372 service. Customary use is calculated using charges for the previous three months’  
373 service.

374 (5) **Deposit payment arrangements.** When an applicant or customer is  
375 required to pay a deposit, other than that provided for in section (7), but is unable to pay  
376 the entire amount in advance of connection or continuation of service, the following will  
377 apply:

378 (a) **Basic local exchange service (dial tone).** The customer may pay fifty  
379 percent of the deposit amount before installation or continuation of service, with the  
380 remaining amount payable in equal amounts over the following two months.

381 (b) **Interexchange services.** The customer may pay fifty percent of the deposit  
382 amount before installation or continuation of service, with the remaining amount payable  
383 in equal amounts over the following two months.

384 (c) **Ancillary local exchange services.** A company is not required to allow  
385 extended payment on ancillary local exchange services (e.g. custom calling services,  
386 caller i.d.). A company may require an applicant or customer to pay a deposit equal to  
387 two months’ charges for ancillary service before providing or continuing ancillary  
388 services.

389 (6) **Deposit requirement notice.** When a company requests a new deposit or a  
390 larger deposit amount after service has been established, the company must provide a  
391 written notice of the reasons for the request in writing to the customer, assure the  
392 request complies with the standards provided in this rule, and state the date the deposit  
393 must be paid and the actions the company may take if the deposit is unpaid. Except for  
394 circumstances in section (7), the deposit or additional deposit amount may not be due  
395 and payable before 5:00 p.m. of the sixth business day after notice of the deposit  
396 requirement is mailed or 5:00 p.m. of the second business day following delivery, if the  
397 notice is delivered in person to the customer.

398 (7) **Deposit request for high toll.** Companies having the authority under their  
399 tariff or price list may require a customer to pay a new or additional deposit or advanced  
400 toll charges if a customer’s toll use exceeds the amount currently held as an  
401 interexchange deposit or exceeds customary use over the previous six months by  
402 twenty dollars or twenty percent.

403 Companies must provide notice either verbally or in writing. If the notice is

404 mailed, companies may presume receipt upon the fourth business day following the  
405 date of mailing. Before the close of the next business day following receipt of the  
406 notice, the customer must be allowed the option to pay either full payment of the  
407 outstanding toll charges specified in the notice or all toll charges accrued to the time of  
408 payment providing the customer has been notified of liability for toll charges in addition  
409 to those charges specified in the notice that come to the attention of the company  
410 between the time of notice and payment, or payment of a new or additional deposit in  
411 light of the customer's actual use based on two months' customary use.

412 The company must also inform the customer that if the customer is unable to pay  
413 either full payment of the outstanding toll charges specified in the notice or all toll  
414 charges accrued to the time of payment or chooses not to pay, service may be toll  
415 restricted.

416 (8) **Transfer of deposit.** When a customer who must pay a deposit moves to a  
417 new address within the same company's service territory, the company must transfer  
418 the deposit, less any outstanding balance and apply the deposit balance to the new  
419 service location.

420 (9) **Interest on deposits.** Interest on deposits must accrue at a rate based upon  
421 a simple average of the effective interest rate for new issues of one-year treasury bills,  
422 be computed from December 1 of each year continuing through November 30 of the  
423 following year, earn that interest rate during January 1 through December 31 of the  
424 subsequent year, be computed from the time of deposit to the time of refund or total  
425 application of the deposit. Interest will be compounded annually.

426 (10) **Refunding deposits.** Companies must refund deposits, plus accrued  
427 interest, to a customer when the customer has paid for service for twelve consecutive  
428 months in a prompt and satisfactory manner, such as the company has not initiated  
429 disconnection proceedings against the customer's account for nonpayment during that  
430 period and the company has sent no more than two delinquency notices to the  
431 customer during that period or the customer or the company terminates the service(s)  
432 for which the deposit is being held. If the customer is terminating a particular class of  
433 service for which a deposit is being held and is reestablishing the same class of service  
434 with another company who is authorized by the commission to collect deposits, the  
435 company is not required to refund the deposit.

436 Companies must apply the deposit, plus accrued interest, to the customer's  
437 telephone account for service in the thirteenth month and, if appropriate, in subsequent  
438 months once satisfactory credit is established; or  
439 Upon customer request, companies must refund the deposit, plus accrued interest in  
440 the form of a check issued and mailed to the customer no longer than fifteen days after  
441 twelve months' satisfactory payment or terminating service as described above.

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444 **WAC 480-120-057 Deposit or security - telecommunications resellers.**

445 An applicant for or subscriber of resale telecommunications services may be required to  
446 demonstrate satisfactory credit by reasonable means appropriate under the  
447 circumstances. A company may require a deposit of any resale applicant or customer  
448 that is unable to establish satisfactory credit.

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**WAC 480-120-058 Protection of customer prepayments.**

(1) A company that intends to collect customer prepayments must first demonstrate to the commission that it meets the criteria set forth in (a), (b), or (c).

(a) The company has a Standard and Poor’s corporate debt rating of BBB or higher, or a Moody’s corporate debt rating of Baa or higher, with respect to outstanding debt obligation; or

(b) The company has a performance bond sufficient to cover any customer prepayments and satisfactory to the commission; or

(c) The company has made provision for deposit of customer prepayments in a federally-insured interest-bearing trust account maintained by the applicant solely for customer advances. The prepayments must be deposited in a bank, savings and loan association, mutual savings bank, or licensed escrow agent, with access to the funds only for the purpose of refunding prepayments to customers. The account for maintaining funds must be with a bank that has a branch located in the state of Washington. In any order granting registration, the commission may require either bond or trust account or escrow as a condition of registration.

**(2) Reporting requirements for every bond or trust account.**

(a) Each company collecting customer prepayments must submit to the commission a report within fifteen days after the end of each calendar quarter. The report must contain the following information specific to state of Washington operations:

- (i) Total outstanding balance of customer prepayments at the beginning of the reporting period;
- (ii) Dollar amount of prepaid services sold during the reporting period;
- (iii) Depleted usage of prepaid services during the reporting period; and
- (iv) Total outstanding prepaid service balances at the end of the reporting period.

(b) Nothing in this rule precludes the commission from requesting current company financial or operating information at any time.

(c) A company may petition the commission for a reduction in reporting requirements. The commission may grant or deny the request by letter from the commission secretary.

**(3) Calculation of trusts or bond levels.**

(a) The initial level of the bond or trust must comply with section (1)(b) or (c).

(b) The company must adjust the subsequent level of the bond or trust based upon quarterly reports data and the company must notify the commission of that adjustment.

(4) A company may petition for, and the commission may grant, waiver of the bond or trust requirement either at the time of registration or when the company can demonstrate to the commission’s satisfaction that it meets standards for waiver of the bond or trust requirement. The petitioning company must provide documentation in support of the petition. The commission may grant or deny the request by letter from the commission secretary. The commission will evaluate the following to determine whether a waiver of the bond or trust requirement will be granted:

- 494 (a) Certified financial statements establishing adequate financial resources  
495 sufficient to provide service to customers of prepaid telecommunications service;
- 496 (b) Confirmation that the company may provide, and has been providing,  
497 comparable services satisfactorily in one or more other states. The documentation  
498 must consist of information from the regulatory agency in the other state and must  
499 demonstrate that the company has complied with that state's rules and has provided  
500 adequate levels of service for twelve consecutive months;
- 501 (c) Compliance, following registration with the commission, with Washington  
502 rules and provision of adequate levels of service for at least twelve consecutive months;
- 503 (d) Documentation that the company has established a bond rating as provided  
504 for in section (1)(a); or
- 505 (e) Other evidence demonstrating that customer interests will be adequately  
506 protected.

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**WAC 480-120-061 Refusal of service.**

509 (1) A company may refuse to connect with or provide service to an applicant when  
510 service will adversely affect the service to other existing customers, the installation is  
511 considered hazardous, or the applicant has not complied with state codes, county  
512 codes, or municipal codes concerning the provision of the service.

513 (2) A company must connect with or provide service to an applicant when the  
514 company can secure all necessary rights-of-way, easements, and permits and an  
515 applicant or customer provides satisfactory proof that necessary private rights-of-way or  
516 easements have been obtained. A company must take all actions necessary to obtain  
517 rights-of-way, easements, and permits. In any instance where a company has denied  
518 service because of an inability to place facilities on a private right-of-way, the burden of  
519 proving that a right-of-way is private under RCW 36.75.010 (11) and RCW 36.75.080  
520 and that the company cannot access the right-of-way is the company's.

521 (3) A company may deny installation of or continued service when the company  
522 is unable to substantiate the identity of the individual requesting or receiving service.  
523 Company-listed business offices and payment agencies, required under WAC 480-120-  
524 510, must provide a means for applicants to provide identification at no charge to the  
525 applicant. Applicants may refuse to provide a social security number to establish  
526 identity. A company may deny installation of or continued service when the applicant or  
527 customer has received service from the company by deception, including, but not  
528 limited to false statements of credit references or employment, false statement of  
529 premise address, use of an alias or false name with intent to deceive, rotation of service  
530 among roommates or persons living together for the purpose of avoiding the debts of  
531 one or more persons, or any other similar deceptive devices.

532 (4) A company may deny service to an applicant or customer until the applicant  
533 or customer who is unable to establish credit has paid the deposit in full or in part or has  
534 selected an alternative service option as provided for in WAC 480-120-056. A company  
535 may deny service to an applicant or customer who owes an overdue, unpaid prior  
536 obligation to the company for the same class of service at the same or different location  
537 until the obligation is paid or satisfactory arrangements are made. A company may  
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539 deny service at an address where a former customer is known to reside with an  
540 overdue, unpaid prior obligation to the same company for the same class of service at  
541 that address until the obligation is paid or, if applicable, satisfactory arrangements are  
542 made or if the obligation is not counter to WAC 480-120-089, Information delivery  
543 services.

544 (5) The company must allow a minimum of six months for payment of the prior  
545 obligation. A prior obligation is an amount owed to a local exchange company or an  
546 interexchange company at the time the company physically toll-restricts, interrupts, or  
547 disconnects for nonpayment or an amount owed to an interexchange company at the  
548 time the company physically restricts or physically interrupts a customer's access to toll  
549 service for nonpayment. The company must restore service upon payment of the first  
550 installment if an applicant is entitled to the payment arrangement provided for in this  
551 section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-  
552 120-056. The company can discontinue service or institute toll restriction pursuant to  
553 WAC 480-120-081, if an applicant or customer defaults on a payment agreement.

554 (6) A company may not deny service to an applicant or customer if the overdue,  
555 unpaid obligation owed to the company is an initial occurrence, excluding  
556 telecommunications companies as defined in RCW 80.04.010 or if the applicant or  
557 customer is not in arrears to the company and requests service at a premise where  
558 another customer has vacated the premise and has unpaid charges owed at that  
559 premise.

560 (7) A local exchange company shall deny service to a nonregistered  
561 telecommunications company that intends to use the service requested to provide  
562 telecommunications for hire, sale, or resale to the general public within the state of  
563 Washington. Any telecommunications company requesting service from a local  
564 exchange company shall state in writing whether the service is intended to be used for  
565 intrastate telecommunications for hire, sale, or resale to the general public.

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**WAC 480-120-081 Discontinuance of service – company initiated.**

569 (1) A company may discontinue service without notice or without further notice when,  
570 after conducting a thorough investigation, it determines the customer has tampered with  
571 the company's property, has used service through an illegal connection, or has vacated  
572 the premise. A company may discontinue service without notice or without further  
573 notice when a customer, in response to a delinquency notice as described in section  
574 (6), pays the delinquent balance with a check or electronic payment that is subsequently  
575 dishonored by the bank or other financial institution or fails to keep payment  
576 arrangements agreed upon in response to a delinquency notice as described in section  
577 (6). A company may discontinue service without notice or without further notice when,  
578 after conducting a thorough investigation, it discovers that a customer has obtained  
579 service by providing false or deceptive information.

580 (a) **First occurrence.** The company must restore service once the customer has  
581 paid the estimated amount of service that was taken through deceptive means, all costs  
582 resulting from the deceptive use, any applicable deposit, and payment in full of all  
583 delinquent balance owed to the company by the customer for the same class of service.

584 A company is not required to allow six-month arrangements on a delinquent balance as  
585 provided for in WAC 480-120-061(5) when it can demonstrate that a customer obtained  
586 service through deceptive means in order to avoid payment of a delinquent amount  
587 owed to that company. Once payment of the delinquent balance associated with the  
588 deceptive activity is made, a company may not refuse a customer the right to six-month  
589 arrangements in the future if the customer has not already exercised that right.

590 (b) **Second occurrence.** The company may disconnect service without notice  
591 when, after thorough investigation, it identifies a second instance of taking service  
592 through deceptive means or refuse to reconnect service to a customer who has been  
593 disconnected twice for deceptive practices, subject to appeal by the customer to the  
594 commission.

595 (2) After properly notifying the customer, as described in section (6), the  
596 company may discontinue service for violation of rules, statutes, service agreement,  
597 filed tariff(s), or price list(s). After conducting a thorough investigation, the company  
598 may discontinue service if it determines that there is unlawful use of service by the  
599 customer, use of service for unlawful purposes by the customer, or use of customer  
600 equipment that adversely affects the company's service to its other customers. The  
601 company may discontinue service for nonpayment of any regulated charges including  
602 deposit, as provided in the tariff or price list of the company. A company must not  
603 discontinue service for nonpayment of charges billed by the company on behalf of  
604 information delivery services providers as provided for in WAC 480-120-089 or disputed  
605 third party-billed charges, in whole or in part. Companies may disconnect or restrict  
606 services in the following manner:

607 (a) Customer's basic local service (e.g., access line and 911 access) may only  
608 be disconnected for nonpayment of basic local service charges;

609 (b) Customer's local ancillary services may be disconnected or restricted for  
610 nonpayment of ancillary charges;

611 (c) Customer's long distance access may be restricted for nonpayment of  
612 interexchange charges. Companies may not charge monthly fees for toll restriction.

613 (3) A company may disconnect a customer's service by total disconnect, that  
614 results in disconnection of local service and access to interexchange services (e.g., long  
615 distance access) but continues to allow 911 access, or by toll restriction that limits  
616 interexchange services (e.g., long distance access) but allows local and emergency 911  
617 access. At its discretion, the company may permit access to toll-free numbers. The  
618 company may not charge monthly fees for toll restriction. A company may disconnect a  
619 customer's service by partial disconnect that restricts service to either incoming or  
620 outgoing service capability, but in either case allows 911 access. In case of a partial  
621 disconnection, the company must notify the customer of the restricted usage as  
622 provided for in section (6).

623 (4) Upon any complete disconnection of service to a customer, the company will  
624 discontinue charges for service as of the date of the disconnection.

625 (5) **Medical Emergencies.** When a local exchange company (LEC) has cause  
626 to disconnect residential local service and has provided notice as required under section  
627 (6) or has disconnected a residential service, it must postpone disconnection or must  
628 reinstate basic local service within four hours for a grace period of five business days

629 after receiving either verbal or written notification of the existence of a medical  
630 emergency. When service is reinstated under this section, the LEC must not require  
631 payment of a reconnection charge or deposit before reinstating service but bill at a later  
632 date.

633 The LEC may require that, within five business days, the customer submit written  
634 certification from a qualified medical professional stating that the disconnection of local  
635 service would significantly endanger the physical health of a resident of the household.

636 Nothing in this section precludes a company from accepting other forms of certification,  
637 but the maximum the company can require is written certification. The written  
638 information that a company may require is limited to residence location, an explanation  
639 of how the current medical condition will be aggravated by the disconnection of local  
640 service, a statement of how long the condition is expected to last, and the title,  
641 signature, and telephone number of the person certifying the condition.

642 "Qualified medical professional" means a licensed physician, nurse practitioner,  
643 or physician's assistant authorized to diagnose and treat the medical condition without  
644 supervision of a physician. The medical certification is valid only for the length of time  
645 the health endangerment is certified to exist, but no longer than sixty days unless  
646 renewed. A medical emergency does not excuse a customer from paying delinquent  
647 and ongoing charges. The company may require that, within the five-business-day  
648 grace period, the customer pay a minimum of twenty-five percent of the delinquent local  
649 exchange service balance, enter into an agreement to pay the remaining delinquent  
650 balance within ninety days, and agree to pay subsequent bills when due.

651 Nothing in this section precludes the company from agreeing to an alternate  
652 payment plan, but the company must not require the customer to pay more than this  
653 section prescribes and must send a notice to the customer confirming the payment  
654 arrangements within two business days. The company may disconnect basic local  
655 service if, within the five-day grace period, the customer fails to provide an acceptable  
656 medical certificate or pay twenty-five percent of the delinquent balance. The company  
657 may disconnect basic local service, without further notice, if the customer fails to abide  
658 by the terms of the payment agreement.

659 **(6) Disconnection notification requirements.** The company must notify the  
660 customer before disconnecting service except as described in section (1). Notification  
661 consists of the following requirements:

662 Each company must provide a written disconnection notice to the customer by  
663 mail, personal delivery to the customer's address, or electronic delivery where the  
664 company has the technical capability and the customer chooses that option. Delivered  
665 notice will be deemed effective if handed to a person of apparent competence in the  
666 residence, handed to a person employed at the place of business of the customer, if it is  
667 a business account, or attached to the primary door of the residence unit or business  
668 office where service is provided if no person is available to receive notice. Each  
669 disconnection notice must include, at a minimum: a disconnection date that is not less  
670 than eight business days after the date the notice is mailed, transmitted electronically,  
671 or delivered personally; all relevant information about the disconnection action including  
672 the amount owing; the services that are subject to disconnection or restriction after  
673 11:00 p.m. of the disconnection date; how to correct the problem; all relevant

674 information about any disconnection or restoral charges that may be assessed; and the  
675 company's name, address, and toll-free number where the customer may contact the  
676 company to discuss the pending disconnection of service.

677 If the company disconnection procedure does not result in actual restriction of its  
678 service but rather removal from a calling plan and placement of the account on casual  
679 use dialing, the company must notify the customer that: there will not be a noticeable  
680 physical interruption of service but that rates will increase; specify the rate at which the  
681 customer will be billed under the suspension of the calling plan; and indicate that a  
682 customer has the right to change to another long distance company. If the notice does  
683 not contain the required information, it is void and the company must re-rate the calls to  
684 the prior calling plan rate.

685 If the company discovers the information provided on the notice is inaccurate, the  
686 company must restore services, if applicable, and reissue another notice to the  
687 customer as described in this section. Telephone, electronic or personal contact as  
688 provided above need not be attempted when the company has had cause, in any two  
689 previous billing periods during a consecutive twelve-month period, to attempt such  
690 contact and the company has notified the customer in writing that such contact will not  
691 be attempted in the future before effecting a disconnection of services.

692 If the company has not disconnected service within ten business days of the  
693 disconnection date stated in the notice, the disconnection notice is void unless the  
694 customer and the company have agreed upon a payment arrangement. Upon a void  
695 notice, the company must provide a new disconnection notice to the customer.

696 Except in case of danger to life or property, companies may not disconnect  
697 service on Saturdays, Sundays, legal holidays, or any other day on which the company  
698 cannot reestablish service on the same or the following day.

699 When the company has reasonable grounds to believe service is to other than  
700 the customer of record, the company must undertake reasonable efforts to inform  
701 occupants at the service address of the impending disconnection. Upon request of one  
702 or more service users, where service is to other than the customer of record, the  
703 company must allow a minimum period of five business days to permit the service users  
704 to arrange for continued service.

705 The company must provide notice of pending disconnection to the secretary,  
706 Washington state department of social and health services, and to the customer, where  
707 it provides service to a facility with resident patients, including but not limited to  
708 hospitals, medical clinics, or nursing homes. Upon request from the secretary or a  
709 designee, the company must allow a delay in disconnection of no less than five  
710 business days from the date of notice so that the department may take whatever steps  
711 are necessary in its view to protect the interests of patients living within the facilities.

712 When service is provided to a resale customer, a company must publish notice in  
713 a major newspaper with distribution coverage in each exchange area that would be  
714 affected by the pending disconnect action. The company must publish the notice at  
715 least five business days before the proposed disconnection date.

716 (7) In addition to the notice required under section (6), the company must in all  
717 instances, except those provided for in section (6), provide a second notice by:

718 (a) **Delivered notice.** Delivered notice will be deemed effective if handed to a



719 person of apparent competence in the residence, handed to a person employed at the  
720 place of business of the customer, if it is a business account, or attached to the primary  
721 door of the residence unit or business office where service is provided if no person is  
722 available to receive notice. The notice must state a scheduled disconnection date that  
723 is not earlier than 5:00 p.m. of the second business day after the date of delivery;

724 (b) **Electronically-issued notice.** If the company has the technical capability to  
725 provide electronic notice and the customer has agreed to receive notice in electronic  
726 form, the notice sent by the company must state a scheduled disconnection date that is  
727 not earlier than 5:00 p.m. of the second business day after the date of delivery;

728 (c) **Mailed notice.** The notice sent by the company may not include a scheduled  
729 disconnection date that is earlier than 5:00 p.m. of the third business day after the date  
730 of mailing. The date of mailing is not first day of the notice period; or

731 (d) **Telephone notice.** The company must attempt at least two times to contact  
732 the customer during regular business hours. If the company is unable to reach the  
733 customer, the company must attempt to contact the customer using any business or  
734 message number provided. The company must keep a log or record of the calls for a  
735 minimum of ninety calendar days showing the telephone number called, the time of the  
736 call, and details of the results of each attempted call.

737 (8) **Remedy and appeals.** The company must not disconnect service while a  
738 customer is pursuing any remedy or appeal provided for by these rules, if any amounts  
739 not in dispute are paid when due and any conditions posing danger to health, safety, or  
740 property are corrected. The company must inform the customer of these provisions  
741 when the customer is referred to a company's supervisor or the commission. During a  
742 dispute a company may, upon authorization from the commission, disconnect service,  
743 when a customer's toll charges substantially exceed the amount of any deposit or  
744 customary use and it appears the customer may incur excessive, uncollectible toll  
745 charges while an appeal is being pursued. A customer whose service is subject to  
746 disconnection may maintain service pending resolution of any dispute upon payment of  
747 outstanding toll charges subject to refund if the dispute is resolved in the customer's  
748 favor.

749 (9) **Payment at a payment agency.** Payment of any past-due amounts to a  
750 designated payment agency of the company constitutes payment when the customer  
751 informs the company of the payment and the company verifies the payment.

752 (10) Nothing in this section prohibits a company from entering into a separate  
753 arrangement with a customer either by contract or through an interconnection  
754 agreement that establishes disconnect procedures that deviate from WAC 480-120-081.  
755 However, the commission will only consider the requirements of this section waived by  
756 the customer if the contract or interconnection agreement contains a separate section  
757 that specifically notifies the customer of the right to have the account handled in  
758 accordance with WAC 480-120-081 and the customer specifically indicates the wish to  
759 waive the rights under WAC 480-120-081, the contract is not one of adhesion, and the  
760 contract was individually and personally negotiated with the party in exchange for  
761 consideration for the purpose of waiver of the requirements of this section.  
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764 **WAC 480-120-X07 Reconnecting service after disconnection.**

765 (1) A company must restore a disconnected service when the causes of discontinuance  
766 not related to a delinquent balance have been removed; the payment or satisfactory  
767 arrangements for payment of all proper charges due from the applicant, including any  
768 proper deposit, have been made as provided for in the tariff or price list of the company;  
769 payment the payment or satisfactory arrangements for payment of proper reconnection  
770 fees due from the applicant have been made or as the commission may order pending  
771 resolution of any bona fide dispute between the company and the applicant or customer  
772 over the propriety of disconnection; or any combination of applicable actions have been  
773 taken by the customer.

774 (2) After the customer notifies the company that the causes for discontinuance  
775 have been corrected, and the company does not have verified information to the  
776 contrary, the company must restore service(s) within the following time frames:

777 (a) Service(s) that do not require a premise visit for reconnection must be  
778 restored within twenty-four hours.

779 (b) Service(s) that do require a premise visit for reconnection must be restored  
780 within forty-eight hours.

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783 **WAC 480-120-X32 Resumption of service based on WTAP or enhanced tribal**  
784 **lifeline eligibility.**

785 Local exchange companies (LECs) must resume service for any customer who has had  
786 local service discontinued for non-payment under WAC 480-120-081 “discontinuation of  
787 service – company initiated,” if the customer was not a participant in either WTAP or  
788 enhanced tribal lifeline at the time service was discontinued and if the customer is  
789 eligible to participate in WTAP or enhanced tribal lifeline at the time the resumption of  
790 service is requested.

791 A customer whose service is resumed under this section must agree to  
792 participate in WTAP or enhanced tribal lifeline, agree to pay unpaid local service  
793 amounts due to the LEC in six monthly installments, and agree to toll restriction until the  
794 unpaid amounts are paid.

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797 **WAC 480-120-X22 Discontinuance of service – customer requested.**

798 (1) This section applies to residential, business, and resale services discontinued as a  
799 result of end-use customer request. Customers must notify the company of the date  
800 service is to be discontinued. If the customer moves from the service address and fails  
801 to request discontinuance of service, the customer must continue to pay for service  
802 taken at the service address until the company can confirm that the customer has  
803 vacated the premise or a new party has taken responsibility for the service.

804 (2) When requested by the customer, the company must discontinue service as  
805 requested within the following time frames:

806 (a) For services that do not require a field visit, the company must  
807 disconnect service not later than one business day from the requested disconnect date;  
808 and

809 (b) For services that require a premise visit to complete the request, the  
810 company must disconnect service no later than two business days from the requested  
811 disconnect date.

812 (3) The customer is not responsible for any monthly recurring or minimum  
813 charges after the requested date for disconnection but is responsible for usage charges  
814 incurred after the requested disconnection date when the company can prove that the  
815 calls were made or authorized by the customer of record.

816 (4) The company must treat the customer's service as continuing through a  
817 change in location from one premise to another within the same service area if a  
818 request for service at the new premise is made before discontinuation of service at the  
819 old premise and service is not subject to discontinuation for cause. A customer is  
820 entitled to the same type of service at the new premise unless precluded by the tariff or  
821 price list of the company.

822 (5) When a customer directs the local exchange company to discontinue service,  
823 the LEC must either notify the customer's presubscribed inter LATA and intraLATA toll  
824 carriers of the discontinuance or inform the customer that it is the customer's obligation  
825 to contact those carriers directly.

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828 **WAC 480-120-087 Telephone solicitation.**

829 Local exchange companies (LECs) must notify customers of their rights under RCW  
830 80.36.390 with respect to telephone solicitation. For purposes of this section "Solicitor"  
831 means the representative of a commercial or nonprofit company or organization that  
832 initiates an unsolicited telephone call to a residential customer for the purpose of  
833 encouraging that person to purchase property, goods, services or soliciting donations of  
834 money, property, goods or services.

835 (1) LECs must provide notice by annual bill inserts mailed to residential  
836 customers or conspicuous publication of the notice in the consumer information pages  
837 of local telephone directories. The notice must clearly inform customers, at a minimum,  
838 of the following rights under the law: within the first thirty seconds, solicitors must  
839 identify themselves, their company or organization, and the purpose of the call. If, at  
840 any time during the conversation, the customer requests to not be called again and to  
841 have their name and telephone number removed from the calling list, the company or  
842 organization must not have a solicitor call the customer for at least one year; and must  
843 not sell or give the customer's name and telephone number to another company or  
844 organization. Under Washington law residential customers have the right to keep  
845 telephone solicitors from calling back.

846 (2) The attorney general's office is authorized to enforce this law. In addition,  
847 individuals may sue the solicitor for a minimum of one hundred dollars per violation. If  
848 the lawsuit is successful, the individual may also recover court and attorney's fees. To  
849 file a complaint, or request more information on the law, the customer may contact the  
850 Fair Practices Division of the Attorney General's Office. When the customer files a  
851 complaint, the customer should include the name and address of the individual,  
852 business, group, or organization, the time the calls were received, the nature of the  
853 calls, and any additional information available.

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**WAC 480-120-088 Automatic dialing-announcing devices.**

(1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) An ADAD may be used for commercial and noncommercial solicitation only when the party initiating the call has received prior agreement from the called party that he or she desires to receive such telephone communication or the recorded message is preceded by an announcement made by a human operator who states the nature and length in minutes of the recorded message, identifies the caller, the individual, business, group, or organization for whom the call is being made, and a telephone number to which a return call can be placed, asks if the called party is willing to listen to the recorded message, and disconnects from the called party's line if the called party is unwilling to listen to the recorded message.

(4) An ADAD may be used for noncommercial solicitation without the requirement of a human announcement when the recorded message states the nature of the call and the length in minutes of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed, and it automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(5) An emergency ADAD may be connected to the telephone network only under the following conditions:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, secures from such services an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial law enforcement or 911 emergency response numbers.

(6) ADADs must not dial unlisted telephone numbers, designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:30 a.m. or after 9:00 p.m. except where the ADAD is designed to deliver a message in response to an emergency situation and when the ADAD user obtains approval from the public emergency service agency or telephone

899 customer before using the ADAD to dial that agency or customer.

900 (7) Before any ADAD, other than an ADAD designed to deliver a message in  
901 response to an emergency situation, may be operated while connected to the telephone  
902 network, the potential ADAD user must notify the local exchange company (LEC) in  
903 writing of the intended use of the ADAD equipment, include a statement of the calendar  
904 days and clock hours during which the ADADs will be used, include an estimate of the  
905 expected traffic volume in terms of message attempts per hour and average length of  
906 completed message, and provide the LEC written certification that the equipment can  
907 effectively preclude calls to unlisted telephone numbers, designated public service  
908 emergency numbers, or any number or series of numbers on a list of telephone  
909 customers that may be in the future designated by the company, regulation, or statute,  
910 as customers who are not to receive ADAD calls.

911 (8) The ADAD user must notify the company in writing within thirty days of any  
912 changes in the ADAD operation that would result in either an increase or decrease in  
913 traffic volume.

914 (9) For new applications for ADADs, the company must review the statement of  
915 intended use of ADAD equipment to determine whether there is a reasonable probability  
916 that use of the equipment will overload its facilities and may refuse to provide  
917 connections for the ADADs or may provide them subject to conditions necessary to  
918 prevent an overload.

919 (10) Suspend or terminate ADAD service. When the company determines that  
920 the volume of calling originated by the ADAD is degrading the service furnished to  
921 others, the company may suspend or terminate service five days after the ADAD user  
922 receives a termination notice or immediately, with no prior notice, if use of the ADAD  
923 creates overloading in a company's switching office. When the company learns that the  
924 customer is using an ADAD in violation of the provisions of this rule, the company must  
925 suspend or terminate the service of any ADAD user five days after the ADAD user  
926 receives a termination notice or immediately, with no prior notice, if use of the ADAD  
927 creates overloading in a company's switching office.

928 (11) Each LEC must maintain records of all ADAD equipment connected to its  
929 facilities and if requested by the commission, provide the individual business, group, or  
930 organization, address, and associated telephone number of the ADAD.

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933 **WAC 480-120-089 Information delivery services.**

934 (1) For purposes of this section:

935 (a) "Information delivery services" means telephone recorded messages,  
936 interactive programs, or other information services that are provided for a charge to a  
937 caller through an exclusive telephone number prefix.

938 (b) "Information provider" means the persons or corporations that provide the  
939 information, prerecorded message, or interactive program for the information delivery  
940 service.

941 (c) "Interactive program" means a program that allows a caller, once connected  
942 to the information provider's announcement machine, to access additional information  
943 by using the caller's telephone.

944 (2) A residential customer may have access blocked to all information delivery  
945 services offered or billed through a local exchange company (LEC), will receive the first  
946 block at no charge, and may have a charge assessed for subsequent blocking requests  
947 (e.g. after a customer has unblocked access). This charge for blocking must be  
948 disclosed to the customer.

949 (3) The LEC must inform residential customers of the blocking service through a  
950 single-topic bill insert and publication of a notice in a conspicuous location in the  
951 consumer information pages of the local white pages telephone directory. The LEC  
952 must include in the notice and bill insert the residential customers' rights under the law,  
953 the definition of "information delivery services" as defined in section (1), and a statement  
954 that these services often are called "900" numbers. The LEC must include notice that  
955 customers have the right under Washington law to request free blocking of access to  
956 information delivery services on their residential telephone lines, blocking will prevent  
957 calls access to information delivery services from their residential telephone line,  
958 customers may request free blocking of access to information delivery services on their  
959 residential telephone lines by calling the LEC at a specified telephone number, the  
960 Washington utilities and transportation commission is authorized to enforce this law,  
961 and customers may contact the commission for further information. The LEC must  
962 include the commission's address and toll-free telephone number:

963  
964 Washington Utilities and Transportation Commission  
965 Consumer Affairs Section  
966 1300 South Evergreen Park Drive, SW  
967 P.O. Box 47250  
968 Olympia, WA 98504  
969 1-800-562-6150  
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972 **WAC 480-120-101 Complaints and disputes.**

973 (1) When a company receives a verbal or written complaint from an applicant or  
974 customer regarding its service or regarding another company's service for which it  
975 provides billing, collection, or responses to inquiries, the company must acknowledge  
976 the complaint as follows:

977 (a) Provide the name of the company's contact to the complainant;

978 (b) Investigate the complaint promptly;

979 (c) Report the results of the investigation to the complainant;

980 (d) Take corrective action, if warranted, as soon as appropriate under the  
981 circumstances;

982 (e) Inform the complainant that the decision may be appealed to a supervisor at  
983 the company;

984 (f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the  
985 right to file a complaint with the commission and provide the commission address and  
986 toll-free telephone number.

987 (2) When a company receives a complaint from an applicant or customer  
988 regarding another company's service for which it provides only billing service, the

989 company must provide the complainant a toll-free number to reach the appropriate  
990 office for the other company that is authorized to investigate and take corrective action  
991 to resolve the dispute or complaint.

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994 **WAC 480-120-X33 Customer complaints – responding to commission.**

995 (1) Applicants, customers, or their authorized representatives, may file with the  
996 commission an informal complaint as described in WAC 480-09-150 or a formal  
997 complaint against a company when there are alleged violations of statutes,  
998 administrative rules, or tariffs as provided by WAC 480-09-420 and WAC 480-09-500.

999 (2) When the commission staff refers an informal complaint to a company, the  
1000 company must:

1001 (a) Hold any pending action involving the issues raised in the complaint (e.g. if  
1002 the complaint involves a disconnect threat, the disconnect action must be stopped);

1003 (b) Receive permission from the commission staff person handling the complaint  
1004 before attempting further contact with the complainant;

1005 (c) Take corrective action, if warranted, as soon as appropriate under the  
1006 circumstances;

1007 (d) Thoroughly investigate all issues raised in the complaint and provide a  
1008 complete report of the results of its investigation to the commission, including, if  
1009 applicable, information that demonstrates that the company’s action was in compliance  
1010 with commission rules.

1011 (3) The results of the company’s investigation must be reported as follows:

1012 (a) Service-affecting complaints must be provided to the commission staff within  
1013 two business days. Service-affecting complaints include, but are not limited to, impaired  
1014 or disconnected services.

1015 (b) Non-service-affecting complaints must be provided to the commission staff  
1016 within five business days. Non-service-affecting complaints include, but are not limited  
1017 to, billing disputes and rate quotes.

1018 (4) Unless another time is specified in this rule, companies must provide  
1019 complete responses to requests from commission staff for additional information on  
1020 pending complaints within three business days unless commission staff specifies  
1021 another date.

1022 (5) Companies must keep commission staff informed of progress toward the  
1023 solution and the final result of every complaint.

1024 (6) Each company must keep a record of all complaints concerning service or  
1025 rates for at least one year and, on request, make them readily available for commission  
1026 review. The records must contain complainant’s name and address, date and the nature  
1027 of the complaint, action taken, and final result.

1028 (7) Each company must have personnel available during regular business hours  
1029 to address customer complaints or inquiries and to respond to commission staff.  
1030 Regular business days mean Monday through Friday, excluding official state holidays.

1031 (8) Every telecommunications company must provide pro-rata credits to  
1032 customers of a service whenever that service is billed on a monthly basis and is not  
1033 available for more than a total of twenty-four hours in a billing cycle.

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**WAC 480-120-106 Form of bills.**

(1) For purposes of this section:

(a) “Clearly and conspicuously” means that which would be readily apparent to a reasonable customer;

(b) “Service provider” means any entity that offers a product or service to a customer, the charge for which appears on the customer’s telephone bill; and

(c) “New service provider” means a service provider that did not bill the customer for service during the service provider’s last billing cycle, excluding service providers that bill customers solely on a per transaction basis.

(2) **Bill frequency.** Except as provided for in subsection (12), each company must issue printed bills monthly or offer customers a choice of billing intervals that include a monthly billing interval. Each company must allow the minimum time payment after the bill’s mailing date of fifteen days, if mailed from within the state of Washington or eighteen days, if mailed from outside the state of Washington.

If the company fails to generate bills on the customer’s regularly scheduled billing interval and the customer is required to pay delayed charges, when requested by the customer, a company must allow the same length of time to pay the delayed charges as it took the company to generate the bill (e.g. bill delayed two months, customer allowed two months to pay the charges contained on the bill).

With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule, the company maintains a written record of the customer’s consent, and the customer may change from electronic to printed billing at the customer’s request.

(3) Upon showing of good cause, a customer may request to be allowed to pay by a certain date that is not the normally designated payment date. Good cause may include, but is not be limited to, adjustment of the billing cycle to parallel receipt of income. A company may refuse to establish a preferred billing date that would extend the due date beyond the next normally designated payment date.

**(4) Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: cash, certified funds (e.g. cashier check), and personal checks.

(b) Upon written notification to a customer, companies may refuse to accept personal checks when two or that customer has tendered two or more non-sufficient funds checks within the last twelve months.

**(5) Bill organization.**

(a) Bills must be clearly organized and clearly and conspicuously identify the name of each service provider(s) and its associated charges on the telephone bill. If the service provider has more than one name appearing on the bill, the bill must contain both the name of the service provider that markets the service and the company’s name as registered with the commission if different from the name used to market the service.

(b) Bills must identify any new service provider, the charges from any new service provider, the nature of the relationship with the customer, and whether the new service provider is a presubscribed local exchange or interexchange company. When



1079 charges from two or more service providers appear on the same bill, the bill must state  
1080 the charges and totals for each provider separately. Bills must identify all fees,  
1081 surcharges, usage rates, and incentives associated with the customer's use of the  
1082 provider's service including, but not limited to calling plans, access fees, charges  
1083 imposed by order of, or at the direction of, the FCC, and other separated charges.

1084 (c) Bills must state clearly, the amount or the percentage rate at which any tax is  
1085 computed for telephone service within jurisdictions where taxes are applicable  
1086 and represents municipal occupation, business and excise taxes that have been levied  
1087 by a municipality against the company, the effect of which is passed on as a part of the  
1088 charge for telephone service.

1089 (d) Bills must include, in summary form and in a separate section all fees,  
1090 surcharges, usage rates, and incentives.

1091 (e) Bills must identify, clearly and conspicuously, all line items that reflect an  
1092 addition of service, a change in rates, or a change in rate plans, as applicable, as "new,"  
1093 "rate increase," "rate decrease," or "change in rate plan."

1094 (6) **Description of billed charges.** A company must describe, in clear,  
1095 conspicuous, and unambiguous language, billed charges and the product or service(s)  
1096 rendered, so the customer can determine that the bill accurately reflects the product or  
1097 service(s) the customer requested and received and that the costs assessed accurately  
1098 reflect the price charge quoted to the customer.

1099 (7) **Quantification of charges.** A company must place in proximity with one  
1100 another on the bill direct dial charges, credit card call charges (excluding flat charges),  
1101 and the number of minutes, and include the total with clear labels. On the same line as  
1102 the corresponding number of minutes of use, the company must place a total of the  
1103 direct dial charges and the credit card call charges so that a customer can readily  
1104 calculate the average billed-price per minute. If applicable, all bills must contain the  
1105 following, separated by individual account code: outstanding balance for account code  
1106 at the beginning of the current billing cycle, using a term such as "previous balance;"  
1107 amount of the charges debited to each account code during the current billing cycle,  
1108 using a term such as "current service;" amount of payments made to each account code  
1109 from the previous billing cycle, using a term such as "payments;" amount of charges  
1110 debited to each account during the current billing cycle for untimely payment of past  
1111 charges, using a term such as "late charge;" a list of the closing dates of the current  
1112 billing cycle and the outstanding balance in each account code on that date, using a  
1113 term such as "amount due;" the statement, or payment, due date; and the date by which  
1114 payment of the new balance must be made to avoid assessment of a late charge.

1115 (8) **Disclosures.** A company must include clear and conspicuous disclosure of  
1116 any information that the customer may need to make inquires about, or to contest,  
1117 charges on the bill. Where a bill contains charges for basic local service and other  
1118 charges, the bill must clearly and conspicuously identify those charges for which non-  
1119 payment will not result in disconnection of the customer's basic local service. This  
1120 disclosure must include an explicit statement that failure to pay these charges will not  
1121 result in the loss of basic local service. The bill must prominently display a toll-free  
1122 number(s) for customers to inquire about or dispute each service provider's charges  
1123 included on the bill and a toll-free number(s) of the company generating the bill on its

1124 own behalf or for other service providers such as a billing aggregator or other third  
1125 party, provided that party possesses sufficient information to answer questions  
1126 concerning the customer's account and is fully authorized to resolve the customer's  
1127 complaints on the service provider's behalf. The company must make its business  
1128 address available upon request to customers through its toll-free number.

1129 (9) **Billing companies.** A company may bill only for companies properly  
1130 registered to provide service within the state of Washington or with a billing aggregator.  
1131 The billing aggregator must certify to the billing agent that it will submit charges only on  
1132 behalf of properly registered companies, provide a current list of all companies for which  
1133 it bills showing the name (as registered with the commission) and address, and update  
1134 and provide the list to the billing agent as changes occur. The billing agent must  
1135 provide a copy of this list to the commission for its review upon request.

1136 (10) **Crediting customer payments.** Unless otherwise specified by the  
1137 customer, payments that are less than the total bill balance must be credited first to  
1138 basic local service, with any remainder credited to any other charges on the bill.

1139 (11) **Bill block.** Upon request of a customer, a company must restrict the  
1140 charges placed on that customer's bill, at no charge. A customer or a company may not  
1141 restrict charges made by a local exchange company on behalf of itself or its affiliate,  
1142 submitted on behalf of a governmental agency, or submitted on behalf of a customer's  
1143 presubscribed intraLATA or interLATA interexchange company. The bill must include  
1144 charges associated with collect calls, third party calls, customer dialed calls, and calls  
1145 using a 10-10-xxx calling pattern. A company must notify customers of this right  
1146 annually by bill insert or bill message and each time a customer notifies the company  
1147 that the bill contains charges for products or services that the customer did not order or  
1148 ordered but did not receive. A service provider can bill customers directly for products  
1149 or services received, even if a charge has been blocked from a billing agent's bill at the  
1150 request of a customer.

1151 (12) **Itemized statement.** A company must provide an itemized statement of all  
1152 charges when requested by a customer, including, but not limited to, rates for individual  
1153 services, calculation of any charges based on a percentage of calls made, calculations  
1154 of time or distance charges for calls, and calculations of any credit or other account  
1155 adjustments. When itemizing the charges of information providers, a company must  
1156 furnish the name, address, telephone number, and toll-free number, if any, of the  
1157 providers.

1158 (13) **Exemptions from this rule.** Prepaid calling card services (PPCS) are  
1159 exempt from sections (1) through (10). Companies for which an exemption is provided  
1160 under this section must provide call detail reports for PPCS free to customers upon  
1161 request as provided for in WAC 480-120-052.

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1164 **WAC 480-120-X34 Pro-rata credits.**

1165 Every telecommunications company must provide pro-rata credits to customers of a  
1166 service whenever that service is billed on a monthly basis and is not available for more  
1167 than a total of twenty-four hours in a billing cycle.

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**WAC 480-120-116 Refund for overcharge.**

A company must refund overcharges to the customer with interest, retroactive to the time of the overcharge, up to a maximum of two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers with respect to overcharges and interest.

~~**WAC 480-120-121 Responsibility for delinquent accounts.**~~

~~A utility shall not refuse or discontinue service to an applicant or subscriber, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or subscriber, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.~~

**WAC 480-120-138 Pay phone service providers (PSPs).**

(1) All pay phone service providers (PSPs) must comply with this and all other rules relating to pay phone services, specific requirements of the Americans with Disabilities Act, and other local, state or federal requirements.

A local exchange company (LEC) within the state of Washington must allow pay phones to be connected to its network, and file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

**(2) Registration and application of rules.**

(a) PSPs operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt PSPs from rules applicable to remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

(a) Dial tone;

(b) Emergency calling;

(c) Operator;

(d) Telecommunications relay service calls for the hearing-impaired;

(e) All available subscriber toll-free services; and

(f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print and contrasting color.

- 1214 (b) Notice that directory assistance charges may apply, and to ask the operator  
1215 for rates;
- 1216 (c) Notice that the pay phone does not make change, if applicable;
- 1217 (d) The emergency number (911);
- 1218 (e) The name, address, phone number, and unified business identifier (UBI)  
1219 number of the owner or operator.
- 1220 (f) A toll-free number to obtain assistance if the pay phone malfunctions, and  
1221 procedures for obtaining a refund.
- 1222 (g) The name, address, and toll-free number of all presubscribed operator  
1223 service providers (OSPs), as registered with the commission. This information must be  
1224 updated within thirty days of a change in the OSP. Refer to WAC 480-120-141 for OSP  
1225 rules.
- 1226 (h) Notice to callers that they can access other long distance companies;
- 1227 (i) The phone number of the pay phone, including area code. When the pay  
1228 phone is in an area that has had an area code change, the area code change must be  
1229 reflected on the pay phone within thirty days of the area code conversion;
- 1230 (j) In contrasting colors, the commission compliance number for customer  
1231 complaints, to include the following information:

1232  
1233 "If you have a complaint about service from this pay phone  
1234 and are unable to resolve it by calling the repair or refund  
1235 number or operator, please call the commission at 1-888-  
1236 333-WUTC (9882)."

1237  
1238 **(5) Operation and functionality.**

- 1239 (a) The pay phone, if coin operated, must return coins to the caller in the case of  
1240 an incomplete call and must be capable of receiving nickels, dimes, and quarters.
- 1241 (b) Pay phone keypads must include both numbers and letters.
- 1242 (c) A PSP must order a separate pay phone access line (PAL) for each pay  
1243 phone installed. The commission may waive this requirement if a company  
1244 demonstrates that technology accomplishes the same result as one-to-one ratio by  
1245 means other than through a PAL, that the service provided to customers is fully  
1246 equivalent, and that all emergency calling requirements are met. This PAL must pass  
1247 the appropriate screening codes to the connecting company to indicate that the call is  
1248 originating from a pay phone.
- 1249 (d) Extension telephones may be connected to a PAL for the purpose of  
1250 monitoring emergency use only. An extension phone must be activated only when 911  
1251 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other  
1252 mechanism to prevent inadvertent interruption of the caller's conversation with the  
1253 public safety answering point (PSAP). The pay phone must be clearly labeled to  
1254 indicate that "911 calls are monitored locally."
- 1255 (e) Cordless and tabletop pay phones may be connected to the telephone  
1256 network only when the bill is presented to the user before leaving the premise where the  
1257 bill was incurred, unless the customer requests that the call be alternatively billed.
- 1258 (f) The pay phone may not restrict the number of digits or letters that can be

1259 dialed.  
1260 (g) Pay phones may provide credit-only service, or coin and credit service.  
1261 (h) Pay phones must provide two-way service, and no charge may be imposed  
1262 by the PSP for incoming calls. Exceptions to two-way service are allowed under the  
1263 following circumstances:

1264 (i) Service provided to hospitals and libraries where a telephone ring might  
1265 cause undue disturbance;

1266 (ii) Service provided within a building on the premises of a private  
1267 business establishment, in the discretion of the business owner. For purposes of this  
1268 section, premises where people have access to public transportation such as airports,  
1269 bus and train stations are not considered private business establishments; and

1270 (iii) Service at locations where local governing jurisdictions or law  
1271 enforcement find that incoming calls may be related to criminal or illicit activities and  
1272 have provided proper notice under subsection (6) of this section. Each pay phone  
1273 restricted to one-way service must be clearly marked on or near the front of the pay  
1274 phone as with information detailed in subsection (6).

1275 (6) **Restrictions.** A PSP may only limit the operational capabilities of a pay  
1276 phone when a local governing jurisdiction or other governmental agency submits a  
1277 request notice to the Commission using prescribed forms a minimum of 10 days prior to  
1278 the restriction. Restrictions may include, but are not limited to, blocking incoming calls,  
1279 limiting touch-tone capabilities, and coin restriction during certain hours. The notice  
1280 must be signed by an agent of the local governing jurisdiction in which the pay phone is  
1281 located who has authority to submit the request, and must state the jurisdiction's  
1282 reasons for the restriction. A copy of the notice must also be served on the PSP no  
1283 later than ten days prior to the restriction.

1284 The requestor must post a notice prominently visible at the pay phone(s) ten  
1285 days prior to the proposed restriction. The notice must explain what is proposed and  
1286 how to file an objection with the governing agency.

1287 Once the restriction is in place, the PSP must post on or near each restricted pay  
1288 phone, in legible and prominent type, a description of each limitation in effect, the times  
1289 when the restrictions will be in effect, and the name and toll-free number of the  
1290 governmental agency recommending the restriction.

1291 (7) **Telephone directories.** The provider of the PAL must furnish without charge  
1292 one current telephone directory each year for each PAL. The PSP must ensure that a  
1293 current directory is available at every pay phone.

1294 (8) **Malfunctions and rule violations.** The PSP must correct, within five days,  
1295 malfunctions of the pay phone or rule violations reported to the repair or refund number  
1296 or the commission.

1297 (9) **Complaints and disputes.** Complaints and disputes regarding PSPs will be  
1298 treated in accordance with WAC 480-120-101.

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### 1301 **WAC 480-120-139 Changes in local exchange and intrastate toll services.**

1302 (1) **Verification of orders.** A local exchange or intrastate toll carrier that requests on  
1303 behalf of a customer that the customer's carrier be changed, and that seeks to provide

1304 retail services to the customer ("submitting carrier"), may not submit a change order for  
1305 local exchange or intrastate toll service until the order is confirmed in accordance with  
1306 one of the procedures in (a) through (c):

1307 (a) The company has obtained the customer's written or electronic authorization  
1308 to submit the order (letter of agency). The letter of agency must be a separate  
1309 electronic form or document (or easily separable document) containing only the  
1310 authorizing language described in (a)(i) through (vi) of this subsection, having the sole  
1311 purpose of authorizing a telecommunications carrier to initiate a preferred carrier  
1312 change. The letter of agency must be signed and dated by the customer of the  
1313 telephone line(s) requesting the preferred carrier change. The letter of agency shall not  
1314 be combined on the same document with inducements of any kind; however, it may be  
1315 combined with checks that contain only the required letter of agency language as  
1316 prescribed in (a)(i) through (vi) of this subsection, and the necessary information to  
1317 make the check a negotiable instrument. The check may not contain any promotional  
1318 language or material. It must contain, in easily readable, boldface type on the front of  
1319 the check, a notice that the customer is authorizing a preferred carrier change by  
1320 signing the check. Letter-of-agency language must be placed near the signature line on  
1321 the back of the check. Any carrier designated in a letter of agency as a preferred carrier  
1322 must be the carrier directly setting the rates for the customer. If any portion of a letter of  
1323 agency is translated into another language, then all portions must be translated into that  
1324 language, as well as any promotional materials, oral descriptions or instructions  
1325 provided with the letter of agency. The letter of agency must confirm the following  
1326 information from the customer:

1327 (i) The customer billing name, billing telephone number and billing address and  
1328 each telephone number to be covered by the change order;

1329 (ii) The decision to change;

1330 (iii) The customer's understanding of the change fee;

1331 (iv) That the customer designates (name of carrier) to act as the customer's  
1332 agent for the preferred carrier change;

1333 (v) That the customer understands that only one telecommunications carrier may  
1334 be designated as the customer's interstate preferred carrier; that only one  
1335 telecommunications carrier may be designated as the customer's intraLATA preferred  
1336 carrier; and that only one telecommunications carrier may be designated as the  
1337 customer's local exchange provider, for any one telephone number. The letter of  
1338 agency must contain a separate statement regarding the customer's choice for each  
1339 preferred carrier, although a separate letter of agency for each choice is not necessary;  
1340 and

1341 (vi) Letters of agency may not suggest or require that a customer take some  
1342 action in order to retain the current preferred carrier.

1343 (b) The submitting carrier has obtained the customer's authorization, as  
1344 described in (a) of this subsection, electronically, by use of an automated, electronic  
1345 telephone menu system. This authorization must be placed from the telephone  
1346 number(s) for which the preferred carrier is to be changed and must confirm the  
1347 information required in (a)(i) through (vi).

1348 Telecommunications companies electing to confirm sales electronically must  
1349 establish one or more toll free telephone numbers exclusively for that purpose.

1350 Calls to the number(s) must connect a customer to a voice response unit, or  
1351 similar device, that records the required information regarding the change, including  
1352 automatically recording the originating automatic number identification (ANI).

1353 (c) An appropriately qualified and independent third party operating in a location  
1354 physically separate from the telemarketing representative has obtained the customer's  
1355 oral authorization to submit the change order that confirms and includes appropriate  
1356 verification data (e.g., the customer's date of birth). The independent third party must  
1357 not be owned, managed, controlled or directed by the carrier or the carrier's marketing  
1358 agent; and must not have any financial incentive to confirm preferred carrier change  
1359 orders for the carrier or the carrier's marketing agent. The content of the verification  
1360 must include clear and conspicuous confirmation that the customer has authorized a  
1361 preferred carrier change.

1362 (2) Where a telecommunications carrier is selling more than one type of  
1363 telecommunications service (e.g., local exchange, intraLATA/intrastate toll,  
1364 interLATA/interstate toll and international toll), that carrier must obtain separate  
1365 authorization, and separate verification, from the customer for each service sold,  
1366 although the authorizations may be made within the same solicitation.

1367 (3) The documentation regarding a customer's authorization for a preferred  
1368 carrier change must be retained by the submitting carrier, at a minimum, for two years  
1369 to serve as verification of the customer's authorization to change his or her  
1370 telecommunications company. The documentation must be made available to the  
1371 customer and to the commission upon request. Documentation includes, but is not  
1372 limited to, entire third-party-verification conversations and, for written verifications, the  
1373 entire verification document.

1374 (4) **Implementing order changes.** An executing carrier may not verify the  
1375 submission of a change in a customer's selection of a provider received from a  
1376 submitting carrier. The executing carrier must comply with a requested change  
1377 promptly, without any unreasonable delay. If an executing carrier takes a request to  
1378 change a customer's preferred carrier directly from that customer, it must verify that  
1379 change order in accordance with the verification procedures outlined in subsection  
1380 (1)(a) through (c). An executing carrier is any telecommunications carrier that effects a  
1381 request that a customer's carrier be changed.

1382 This section does not prohibit any company from investigating and responding to  
1383 any customer-initiated inquiry or complaint.

1384 (5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a  
1385 customer's preferred carrier selection unless the customer gives the carrier from whom  
1386 the freeze was requested express consent. Express consent means direct, written or  
1387 oral direction by the customer. All local exchange companies must offer preferred  
1388 carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all  
1389 customers. Offers or solicitations for such freezes must clearly distinguish among  
1390 telecommunications services subject to a freeze (e.g., local exchange,  
1391 intraLATA/intrastate toll, interLATA/interstate toll and international toll). The carrier  
1392 offering the freeze must obtain separate authorization for each service for which a

1393 preferred carrier freeze is requested. Separate authorizations may be contained within  
1394 a single document.

1395 (a) All local exchange companies must notify all customers of the availability of a  
1396 preferred carrier freeze, no later than the customer's first telephone bill, and once per  
1397 year must notify all local exchange service customers of such availability on an  
1398 individual customer basis (e.g., bill insert, bill message, or direct mailing).

1399 (b) All carrier-provided solicitation and other materials regarding freezes must  
1400 include an explanation, in clear and neutral language, of what a preferred carrier freeze  
1401 is, and what services may be subject to a freeze; a description of the specific  
1402 procedures to lift a preferred carrier freeze; an explanation that the customer will be  
1403 unable to make a change in carrier selection unless he or she lifts the freeze; and an  
1404 explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

1405 (c) No local exchange carrier may implement a preferred carrier freeze unless  
1406 the customer's request to impose a freeze has first been confirmed in accordance with  
1407 the procedures outlined for confirming a change in preferred carrier, as described in  
1408 subsections (1) and (2) of this section.

1409 (d) All local exchange carriers must offer customers, at a minimum, the following  
1410 procedures for lifting a preferred carrier freeze:

1411 (i) A customer's written and signed authorization stating his or her intent to lift the  
1412 freeze;

1413 (ii) A customer's oral authorization to lift the freeze. This option must include a  
1414 mechanism that allows a submitting carrier to conduct a three-way conference call with  
1415 the executing carrier and the customer in order to lift the freeze. When engaged in oral  
1416 authorization to lift a freeze, the executing carrier must confirm appropriate verification  
1417 data (e.g., the customer's date of birth), and the customer's intent to lift the freeze.

1418 (e) A local exchange company may not change a customer's preferred carrier if  
1419 the customer has a freeze in place, unless the customer has lifted the freeze in  
1420 accordance with this subsection.

1421 (6) **Remedies.** In addition to any other penalties provided by law, a submitting  
1422 carrier that requests a change in a customer's carrier without proper verification as  
1423 described in this rule shall receive no payment for service provided as a result of the  
1424 unauthorized change and shall promptly refund any amounts collected as a result of the  
1425 unauthorized change. The customer may be charged, after receipt of the refund, for  
1426 such service at a rate no greater than what would have been charged by its authorized  
1427 telecommunications company, and any such payment shall be remitted to the  
1428 customer's authorized telecommunications company.

1429 (7) **Exceptions.** Companies transferring customers as a result of a merger,  
1430 purchase of the company, or purchase of a specific customer base are exempt from  
1431 subsections (1) through (6) if both companies comply with the following conditions and  
1432 procedures:

1433 (a) The company the customers are being transferred from provides a notice to  
1434 the affected customers thirty days before the date of transfer advising the customers of  
1435 the transfer to the new company and the date of the transfer to the new company.

1436 (b) The company the customers are being transferred to allows the customers to  
1437 chose another telecommunications company, provides preferred carrier change credits



1438 to that company and to any other company the customer may choose for a period of  
1439 sixty days following the initial date of transfer, and maintains the customers' current  
1440 rates, services, terms and conditions for a period of ninety days. The company must  
1441 also provide notice to the affected customers thirty days before the date of transfer  
1442 advising that customers will continue to receive their current rates, services, terms, and  
1443 conditions for a period of ninety days from the initial date of transfer, and pic change  
1444 charges will be credited to the customers for being transferred to the company and to  
1445 any other company the customer may choose for a period of sixty days following the  
1446 initial date of transfer.

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1449 **WAC 480-120-141 Operator service providers (OSPs).**

1450 (1) This section applies to operator service providers (OSPs) providing operator  
1451 services from pay phones and other aggregator locations. Each OSP must maintain a  
1452 current list of the customers it serves in Washington and the locations and telephone  
1453 numbers where the service is provided. No OSP may provide service to a pay phone  
1454 service provider (PSP) that is not fully in compliance with commission rules.

1455 (2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or  
1456 near the front of the pay phone the presubscribed OSPs' name, address, and toll-free  
1457 number, as registered with the commission. This information must be updated within  
1458 thirty days after a change of OSPs. OSPs must post a notice to consumers that they  
1459 can access other long distance companies and, in contrasting colors, the commission  
1460 compliance number for consumer complaints and the following information:

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"If you have a complaint about service from this pay phone and  
are unable to resolve it by calling the repair or refund number or  
operator, please call the commission at 1-888-333-WUTC (9882)."

1466 (3) **Verbal disclosure of rates.**

1467 (a) Before an operator-assisted call from an aggregator location can be  
1468 connected by a presubscribed OSP, the OSP must first provide a verbal message  
1469 advising that the consumer may receive a rate quote by pressing a specific key or keys,  
1470 but no more than two keys, or staying on the line.

1471 (b) After hearing an OSP's message, a consumer may waive the right to obtain  
1472 specific rate quotes for that call by choosing not to press the key(s) specified in the  
1473 OSP's message, or hanging up. The rate quoted for the call must include any other  
1474 applicable charge. Charges to the user must not exceed the quoted rate. Following the  
1475 consumer's response to any of the above, the OSP must provide verbal information  
1476 advising that the consumer may complete the call by entering the consumer's calling  
1477 card number. This rule applies to all calls from pay phones or other aggregator  
1478 locations, including, but not limited to prison phones and store-and-forward pay phones  
1479 or "smart" phones.

1480 (4) **Access.** Pay phones must provide access to the services identified in WAC  
1481 480-120-138(3).

1482 (5) **Branding.** The OSP must identify audibly and distinctly the OSP providing

1483 the service at the beginning of every call, including an announcement to the called party  
1484 on collect calls. The OSP must ensure that the call begins no later than immediately  
1485 following the prompt to enter billing information on automated calls and on live and  
1486 automated operator calls, when the call is initially routed to the operator. The OSP must  
1487 state the name of the company as registered with the commission (or its registered  
1488 "doing business as" name) whenever referring to the OSP. When not necessary to  
1489 identify clearly the OSP, the company may omit terms such as "Company,"  
1490 "Communications," "Incorporated," or "Of the Northwest."

1491 (6) **Billing.** The OSP must provide to the billing company applicable call detail  
1492 necessary for billing purposes and an address and toll-free number for consumer  
1493 inquiries. The OSP must ensure that consumers are not billed for calls that are not  
1494 completed. For billing purposes calls must be itemized, identified, and rated from the  
1495 point of origination to the point of termination. An OSP may not transfer a call to  
1496 another company unless the call can be billed from the point of origin. The OSP must  
1497 provide specific call detail upon request, in accordance with WAC 480-120-106, Form of  
1498 bills. Charges billed to a credit card need not conform to the call detail requirements of  
1499 that section.

1500 (7) **Operational capabilities.** The OSP must answer at least ninety percent of  
1501 all calls within ten seconds of the time the call reaches the company's switch. The OSP  
1502 must maintain adequate facilities in all locations so the overall blockage rate for lack of  
1503 facilities, including the facilities for access to consumers' preferred interexchange  
1504 companies, does not exceed one percent in the time-consistent busy hour. Should  
1505 excessive blockage occur, the OSP must determine what caused the blockage and take  
1506 immediate steps to correct the problem. The OSP must reoriginate calls to another  
1507 company upon request and without charge when technically able to accomplish  
1508 reorigination with screening and allow billing from the point of origin of the call. If  
1509 reorigination is not available, the OSP must provide dialing instructions for the  
1510 consumer's preferred company.

1511 (8) **Emergency calls.** For purposes of emergency calls, every OSP must be  
1512 able to transfer the caller into the appropriate E-911 system and to the public safety  
1513 answering point (PSAP) serving the location of the caller with a single keystroke from  
1514 the operator's console, to include automatic identification of the exact location and  
1515 address from which the call is being made. The OSP must be able to stay on the line  
1516 with the emergency call until the PSAP representative advises the operator that they are  
1517 no longer required to stay on the call. The OSP must provide a toll-free number for  
1518 direct access to PSAPs should additional information be needed when responding to a  
1519 call for assistance from a phone using the provider's services. That emergency contact  
1520 information must not be considered proprietary.

1521 (9) **Fraud protection.**

1522 (a) A company may not bill a call aggregator for:

1523 (i) Charges billed to a line for originating calls using company access  
1524 codes, toll-free access codes, or originating calls that otherwise reach an operator  
1525 position if the originating line subscribed to outgoing call screening or pay phone  
1526 specific ANI coding digits and the call was placed after the effective date of the outgoing  
1527 call screening or pay phone specific ANI coding digits order; or

1528 (ii) Collect or third-number-billed calls if the line serving the call that was  
1529 billed had subscribed to incoming call screening (also termed "billed number screening")  
1530 and if the call was placed after the effective date of the call screening service order.

1531 (b) Any calls billed through the access line provider in violation of section (8)(a)(i)  
1532 or (ii) must be removed from the call aggregator's bill by the access line provider. If  
1533 investigation by the access line provider determines that the pertinent call screening or  
1534 pay phone specific ANI coding digits was operational when the call was made, the  
1535 access line provider may return the charges for the call to the company as not billable.

1536 (c) Any call billed directly by an OSP, or through a billing method other than the  
1537 access line provider, which is billed in violation of section (8)(a)(i) and (ii), must be  
1538 removed from the call aggregator's bill. The company providing the service may  
1539 request an investigation by the access line provider. If the access line provider  
1540 determines that call screening or pay phone specific ANI coding digits (which would  
1541 have prevented the call) was subscribed to by the call aggregator and was not  
1542 operational at the time the call was placed, the OSP must bill the access line provider  
1543 for the call.

1544 (10) **Enforcement.** OSPs are subject to all pertinent provisions of law and rules.

1545 (a) **Suspension.** The commission may suspend the registration of any company  
1546 providing operator services if the company fails to meet minimum service levels or to  
1547 provide disclosure to consumers of protection available under chapter 80.36 RCW and  
1548 pertinent rules.

1549 Except as required by federal law, no provider of pay phone access line service  
1550 may provide service to any OSP whose registration is suspended.

1551 (b) **Penalty.** The commission may assess a penalty as provided in RCW  
1552 80.36.522 and 80.36.524, upon any company providing operator services, if the  
1553 company fails to meet minimum service levels or provide disclosure to consumers of  
1554 protection available under chapter 80.36 RCW and commission rules.

1555 (c) **Complaints.** Complaints and disputes will be treated in accordance with  
1556 WAC 480-120-101 and such other laws and rules as may apply.

1557 (11) For purposes of this section:

1558 (a) "Consumer" means the party initiating the call, the party paying for a call  
1559 using operator services, and, for collect calls, the originating party and the party on the  
1560 terminating end of the call.

1561 (b) "Customer" means the call aggregator or PSP contracting with an OSP for  
1562 service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar  
1563 entity.

1564 (c) "Subscriber" means a company providing toll-free number services (e.g., 1-  
1565 800-GET-ROTO).

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1568 **WAC 480-120-144 Use of privacy listings for telephone solicitation.**

1569 (1) A company may not make telephone solicitation or telemarketing calls using its list of  
1570 customers with nonpublished or unlisted numbers unless it has notified each such  
1571 customer at least once in the past year that the company makes such calls to its  
1572 customers with nonpublished or unlisted numbers and that the customer has a right to

1573 request that the company make no such calls.

1574       (2) When the company provides the notice required in section (1) in writing, the  
1575 notice must include a toll-free number and an e-mail address the customer may use to  
1576 state that solicitation should not be made.

1577       (3) When the company provides the notice in section (1) by phone call, the  
1578 customer must be informed that inclusion in a solicitation list may be declined and the  
1579 company must not make any additional solicitation.

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