

May 15, 2001

- - SUPPLEMENTAL NOTICE - -

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
AND TO PROPOSE ALTERNATIVE RULE LANGUAGE
(May 31, 2001)**

**NOTICE OF RULEMAKING WORKSHOP
(June 5, 6, 7, 2001)**

**ON DRAFT RULES CONCERNING OPERATOR SERVICE PROVIDERS
AND DEFINITIONS FOR CHAPTER 480-120 WAC**

RE: Docket No. UT-990146
Chapter 480-120 WAC Telecommunications: Operator Service Providers and
Definitions

TO ALL INTERESTED PERSONS:

As part of its ongoing examination of chapter 480-120 WAC, on May 2, 2001, the Commission provided notice of an amended draft of WAC 480-120-041, Operator service providers. Comments were sought by May 22, 2001, and a workshop to examine the proposal is set for June 5, 6, 7, 2001. Since that time, the Commission Staff has prepared an alternative to WAC 480-120-041(3). We now seek comments on the alternative drafts by May 31, 2001; the rulemaking workshop dates remain the same. A copy of the alternative rule is enclosed and posted to the Commission's web site.

Also posted to the Commission's web site is a draft of the definitions the Commission Staff has prepared. Please provide comments and alternative language for the definitions by May 31, 2001. These definitions will also be considered at the workshop.

The revised comment date applies to WAC 480-120-141(3) and the definitions only. The May 22, 2001 comment date remains the same for all previously noticed draft consumer rules. Timely receipt of the comments will allow Commission Staff sufficient time to prepare a matrix of proposed alternatives to help guide our discussions.

STAKEHOLDER WORKSHOP

We encourage you to attend and participate in the stakeholder workshop to discuss these rules. The workshop will be held **Tuesday, Wednesday and Thursday, June 5, 6, and 7, 2001** (the same dates provided in the original notice) in Room 206 at the Commission's headquarters, beginning at 9:30 a.m. Free parking is available. The Commission's address is:

Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504-7250

ALTERNATIVE RULE LANGUAGE AND WRITTEN COMMENTS

Commission Staff is seeking comment and alternative rule language on a proposal to modify the "Verbal disclosure of rates" section, WAC 480-120-141(3). The revised language, which would replace the subsection (3) language in the May 2 discussion draft, is attached.

The revised language now being circulated for comment would establish benchmark rates for operator-assisted calls from pay phones and other aggregator locations that are handled by presubscribed operator service providers. Depending on whether the charges are above the benchmark, the disclosure requirements would be:

- If the charges to the consumer do not exceed the benchmark, the current requirements would apply. These require that the OSP tell the consumer that a rate quote is available and explain the method of obtaining it.
- If the charges to the consumer exceed the benchmark, a rate quote would be mandatory. The OSP would have to disclose all charges to the consumer before completing the call.

Staff seeks comment on whether the WUTC should adopt such an approach governing verbal disclosure of rates.

In addition, stakeholders are invited to comment on the appropriate rates to adopt as a benchmark. Specific rates are not included in the discussion draft.

Commission Staff is also seeking comment and alternative rule language on proposed definitions. The revised language has been posted to the Commission's web site for this rulemaking.

Electronic copies. The Commission requests, but does not require, that comments be provided in electronic format to facilitate quotations from the comments, to enhance public access, and to reduce the need for additional paper copies. Please help us by sending an electronic copy with your paper filing on a 3-1/2 inch, IBM-formatted, high density disk, in .pdf Adobe Acrobat

format, reflecting the pagination of your original. Also send us the text in your choice of .doc (Word 97 or later) or .wpd (WordPerfect 6.0 or later) and include all of the following information on the label of the diskette:

- * The docket number of this proceeding (UT-990146)
- * The commenting party's name
- * The title and date of the comment or comments; and
- * The type of software used

Please use the three-letter extension noted above for all electronic files. You may also send your comments by electronic mail to the Commission's Records Center at <records@wutc.wa.gov>; if you choose this means of submitting comments, include all of the information requested above for the diskette label. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <<http://www.wutc.wa.gov>>. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available.

If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket No.UT-990146 to ensure that you are placed on the appropriate service list.

Commission Staff will use comments received to complete a draft that will be presented to the Commission and, if the Commissioners agree, published in the "State Register," as proposed amended rules. Following publication in the "State Register," there will be another comment period prior to a hearing before the Commission as it decides whether to adopt rule changes. Interested persons may also appear at the adoption meeting and present comments at that time.

If you have questions about this issue or the rulemaking in general, please contact Bob Shirley by e-mail at bshirley@wutc.wa.gov, or by calling 360-664-1292.

Sincerely,

CAROLE J. WASHBURN
Secretary

w/attachment

Discussion Draft - WAC 480-120-141(3)

(3) Verbal disclosure of rates. This subsection applies to all calls from pay phones or other aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones.

(a) Verbal rate disclosure message required. Before an operator-assisted call from an aggregator location can be connected by a presubscribed OSP, the OSP must first provide a verbal rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in subsection (3)(f), the verbal rate disclosure message must comply with the requirements of subsection (3)(b). In all other instances, the verbal rate disclosure message must comply with the requirements of subsection (3)(c).

(b) Rate disclosure method when charges do not exceed benchmark. The verbal rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) Rate disclosure method when rates exceed benchmark. The verbal rate disclosure message must state all rates and charges that will apply if the consumer completes the call.

(d) Charge must not exceed rate quote. If the OSP provides a rate quote pursuant to either subsection (3)(b) or subsection (3)(c), the charges to the user must not exceed the quoted rate.

(e) Completion of call. Following the consumer's response to any of the above, the OSP must provide verbal information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) Benchmark rates. An OSP's charges exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, exceed: (i) \$<X> for a one-minute call; (ii) \$<Y> for a five-minute call; or (iii) \$<Z> for a 10-minute call.