

NEW SECTION

WAC 480-120-193 Posting of tariffs for public inspection and review.

Each telecommunications company offering intrastate telecommunications service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.36.100. To comply with this requirement, a company must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The company must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The company must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The company must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

NEW SECTION

WAC 480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.

Each telecommunications company offering intrastate telecommunications service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.36.110. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a company must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the company must fulfill the requirements of WAC 480-120-195. The company will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-120-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be

affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a company must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The company must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the telecommunications company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any company; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the company must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the company's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the company's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the company's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The company's name and address;

(c) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical telephone customer using an average of twenty minutes of local toll service would see an average monthly increase of \$0.85.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the company's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the

commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

NEW SECTION

WAC 480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-120-194.

(2) A company that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) Content of notice. At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(b) Methods of notice permitted include: Bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(3) A company that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-120-193.

NEW SECTION

WAC 480-120-196 Customer notice requirements--Competitively classified telecommunications companies or services. This rule sets out requirements in specific circumstances for notices that companies must provide to customers when services are provided under price list.

(1) Prior notice. Customer notice before the effective date of changes to the price list for competitively classified companies or competitively classified services.

(a) Amount of prior notice. The company must provide notice to each affected customer at least ten days before the effective date when a company proposes to:

- (i) Increase rates;
- (ii) Decrease rates; or
- (iii) Change terms or conditions.

The company must measure the ten-day period from the time the notice is

mailed to all customers or appears in the newspaper or on the website.

(b) Content of notice. Each customer notice must include, at a minimum:

(i) The effective date;

(ii) A clear description of changes to rates and services; and

(iii) A company contact number where customers can seek additional information.

(c) Methods of notice permitted for increase in rates or a material change of terms and conditions. A company must provide notice by bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers, or, if a company has the capability and the customer has authorized, by e-mail.

(d) Methods of notice permitted for changes not covered by (c) of this subsection. A company must provide notice by:

(i) Any method listed in (c) of this subsection;

(ii) Publishing the notice in one or more newspapers of general circulation for the affected areas; or

(iii) Posting the notice on the website on which the price list is available to the public.

(2) Commission assistance. A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(3) Alternative form of notice permitted with prior approval. As an alternative to the customer notice required by this rule, a company may propose another form of customer notice. The commission's public affairs officer must approve any such notice in advance.

(4) Customer notice verification. Within ten days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When the notice was first posted, published, and/or issued to customers; and

(c) A copy of the notice.

NEW SECTION

WAC 480-120-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) Content of notice. The notice must include all information contained in WAC 480-120-194(4), except the public involvement information in WAC 480-120-194 (4)(j). A company must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Company-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice. Methods of notice permitted include: Bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) Who must receive notice. In addition to each affected customer, a company must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

NEW SECTION

WAC 480-120-198 Notice verification and assistance. (1) Customer notice verification. Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-120-194, 480-120-195, or 480-120-197, but no sooner than when the tariff is filed with the commission, a company must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

- (a) The methods used to post, publish, and/or give notice to customers;
- (b) When and how the notice was posted, published, and/or issued to customers;
- (c) How many customers are affected; and
- (d) A copy of the notice.

(2) Commission assistance. A company may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-120-193 through 480-120-197.

NEW SECTION

WAC 480-120-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-120-043 Notice to the public of tariff changes.