

March 2, 2004

SENT ELECTRONICALLY

Carole Washburn

Executive Secretary

Washington Utilities & Transportation Commission

1300 S. Evergreen Park Dr. SW

PO Box 47250

Olympia, WA 98504-7250

Re: Rulemaking to Consider Possible Corrections and Changes in Rules
Chapter 480-120 WAC and Chapter 480-80 WAC, Relating to
Telecommunications Docket No. UT-040015

Dear Ms. Washburn:

Please accept and consider the following comments from the Washington Public Interest Research Group (WashPIRG) regarding the above-referenced docket. I apologize that we are sending these comments in after the deadline, but we didn't get notification of the rulemaking until last week.

Thank you for the opportunity to send in our comments. We look forward to participating in this rulemaking as it progresses.

Sincerely,

Robert Pregulman

Executive Director, WashPIRG

3240 Eastlake Avenue East, #100

Seattle, WA 98102

206-568-2850, x101

206-568-2858 fax

www.washpirg.org

cc: Sharyn Bate

**Comments of Robert Pregulman
Washington Public Interest Research Group
Regarding Docket Number UT-040015**

March 2, 2004

1. Telephone Customer Privacy Rules (WAC 480-120-201 through 216)

As we stated during previous rulemakings, WashPIRG believes that the most effective way to protect private customer account information is through an all-inclusive opt-in approach. We ask that the Commission investigate the possibility of further rulemaking that would allow a broader opt-in approach for Washington State that would also meet the objections raised during WashPIRG recommends that the Commission pursue further rulemaking to consider whether a broader opt-in approach could be adopted that address the concerns we raised during the rulemaking for Docket Number UT-990146.

In the alternative, WashPIRG requests that the Commission conduct further rulemaking to, at a minimum, adopt Washington rules consistent with the current FCC rules, which would provide a basis for better enforcement in Washington of existing protections. In addition, it is important that such a rulemaking also consider improvements, clarifications and refinements, consistent with the FCC rules and WUTC authority, to address such issues as proper form and content of opt-out notices, and restrictions on sharing private information with entities such as third parties, joint venture partners, marketing partners, wholesale customers, and corporate affiliates.

2. Record of third-party verifications in anti-slamming rule (WAC 480-120-147)

WashPIRG supports inclusion of a requirement in this rule.

3. Application of the out-of-service credit provision (WAC 480-120-164)

WashPIRG believes that the pro-rata credits provided for in this rule should not be limited to instances where the customer contacts the company to

report an out-of-service condition. The rule as adopted plainly does not require such action, and the burden should not be placed on the customer to contact the company to report an outage in order to receive a credit.

We appreciate the opportunity to present our initial comments on this docket. We will provide more detailed comments as the rulemaking process progresses. We look forward to working with Commission Staff and stakeholders during the course of this rulemaking.