Comments of Qwest Corporation in
Docket No. UT-990146
Chapter 480-120 - Operations
DRAFT Consumer Rules

Introduction

The attached comments reflect Qwest Corporation's ("Qwest") concerns with the proposed consumer rules as well as suggestions as to how the proposed rules might be modified to be more reasonable. Qwest will participate in the upcoming workshops and will continue to submit comments as the need arises. Qwest is available to respond to any question that may arise as a result of the following comments.

Qwest will file supplemental comments on the proposed accounting rules (WAC 480-120-031 and WAC 480-120-X02) prior to the workshop scheduled for June 5, 6 and 7th.

480-120-041 Availability of information.

Qwest suggests deleting this rule in its entirety or at a minimum, the Commission should retain the existing rule language. Qwest urges the Commission to let each telecommunications company determine how best to inform their customers about business practices, prices and tariffs. However, should the Commission decide to retain the proposed rule language, Qwest respectfully suggests the following modification to section (1), lines 112-113:

> Each company must provide to its applicants and customers the information needed to obtain services offered by the company under its price list or tariff.

It is unclear under the proposed rule language what "services" Section 1, line 113 is referencing when it states "information needed to obtain services required by this rule.".

Section (2), lines 114-118 should be deleted since section (1) as modified would include any price list or tariff information requested by the customer. The Company should not be required to produce a copy of Chapter 480-120 WAC (line 114); customers should be free to obtain a copy of such from the Commission.

The requirements in Section (3), lines 119-131 should be deleted. However, should the Commission decide to retain this proposed rule section, Qwest respectfully proposes the following modifications:

> (3) Each company must provide each new customer, who orders features or discretionary services in conjunction with basic service, a confirming notice or welcome letter that provides, at a minimum:
>
> (a) The company's toll-free telephone number, and web address (if available); and
> (b) Confirmation of the services being provided to the customer by the company.

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The Commission should not require a company to send a confirming notice or welcome letter prior to the installation of service as required at lines 119-121. The customer may cancel their order and select another provider after the letter or notice has been sent and find such a notice required by this rule confusing or irritating. If the Commission believes such a notice is necessary, it should require notice only if the customer has ordered more than just basic service and once the customer has actually established service with the provider.

In addition, the Commission should not include a requirement that the company's business office hours, mailing address, repair number, and rates, terms and conditions for each service, including banded rate information, be included in a welcome letter, as required at lines 122-127. The company should not be required to repeat what is already contained in its directory, tariffs or price lists. Nor should the company be required to repeat the installation or activation date.

The requirement to provide the name, address, and toll-free telephone numbers of the customer's presubscribed interLATA and intraLATA carriers, if applicable also should be eliminated (lines 128-129). The interLATA and intraLATA carrier should provide this information directly to their customer as required under this rule. The local exchange carrier should not have this obligation.

Nor should the company be required to provide notice of the existence of the consumer information guide as required at lines 130-131. Most customers are aware of the fact that this information exists in the directory or the customer can obtain whatever information they desire by calling the business office of the company.

Section (4), lines 132-146 should be eliminated.

Section (5), lines 147-160 should be moved to WAC 480-120-042 in order to ensure that customers receive consistent information from all providers.

Subsection (6)(b), lines 164-166 should be eliminated. The customer's local exchange service provider should not be required to retain a one year account history for every customer it serves reflecting changes of an interexchange company. Nor should the local exchange service provider be required to supply the name, address and telephone number for each interexchange company the consumer subscribed to over the last year. This creates an expense to the local provider for a service that in many cases it may not provide. Particularly in the case of Qwest since it cannot provide interLATA interexchange service. The Commission should refrain from imposing unnecessary new costs on local exchange service providers.

Section (7), lines 167-170 should also be eliminated. To require the customer's local exchange service provider to inform the applicant or customer to contact their chosen interexchange company to confirm that an account has been or is being established is to impose a cost on the local provider for a service that it is not providing. The Commission should refrain from imposing unnecessary new costs on local exchange service providers.

Should the Commission decide to retain this requirement, it should qualify the requirement to those providers who do not directly advise the carrier of the customer's choice. Qwest currently notifies the selected carrier within 24 hours of the change or request so there is no need for the customer to contact their chosen provider. Qwest respectfully suggests section (7) be modified as follows:

> (7) When an applicant or customer contacts the LEC to select or change an interexchange company, the company must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

480-120-042 Directory service.

Qwest suggests qualifying the requirement in section (1), lines 172-178 as follows:

1. It should be applicable to only those exchanges served by the Local Exchange Company. As currently drafted it could imply a directory must be published for each Washington exchange; not only those served by the Local Exchange Company.
2. It should only require listing of primary telephone numbers. This is not meant to suggest other listings would be omitted that the customer has paid for. It is intended to address only what the Commission believes it should require for a published directory. Obviously, premium or additional listings will be included. The qualification of primary telephone number proposed by Qwest is intended to exclude additional business lines where the telephone number is not published, such as lines in a hunt group, etc.

Following are proposed modifications that reflect these changes:

> (1) A local exchange company (LEC) must ensure that a telephone directory is regularly published for each exchange it serves, listing the name, address (unless omission is requested), and primary telephone number pertaining to each customer, who can be called in that exchange. This requirement does not apply to a nonlisted or nonpublished telephone number.

Qwest suggests the original language in section (5), line 197 that defined "information listing" be retained. Following is the proposed modification that reflect this change:

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

480-120-X31 Intercept services.

Qwest suggests modifying the rule in section (1), lines 210-211 to reflect the original language concerning the maintenance of correct listing information as follows:

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

The proposed language suggests that the rule requires the directory assistance operator to "maintain in the file" the corrected information. The directory assistance operator may not have this responsibility or may not have access to the file to input or delete information. The prior rule simply recognized the need for retention of the necessary information in the files of the directory assistance operator.

Qwest suggests modifying the rule in section (2), lines 217-218 to include the existing language that required intercept for either thirty days or until the new directory is published. The proposed rule requires intercept until the new directory is published, regardless of how long of a period that could be. In light of the number conservation measures required by the Federal Communications Commission also supported by this Commission, it doesn't make sense to require intercept on a telephone number for more than thirty days. The intercepted number should be released so that it can ultimately be reassigned to another customer. Intercept beyond thirty days is unnecessary.

Qwest suggests modifying the rule in section (5), line 230 to include the existing language that qualified the requirement to a large group of customers. The proposed rule is modified to require a minimum of six months notice if multiple customers are affected which has a different consequence than a large group of customers. Qwest does not agree that a minimum of six months notice should be required if multiple customers are affected. This does not mean to suggest no notice be provided, rather it may not require a

six month minimum notice if a hand full of customers are affected. Qwest respectfully requests that the existing rule language be retained.

480-120-056 Establishment of credit - Residential services.

Qwest continues to suggest deleting this rule in its entirety. Each Local Exchange Company should develop sound business practices that are responsive to individual customer needs while serving to protect the interests of the company and its ratepayers (minimizing bad debt, reducing administrative expense, subject to existing consumer protection laws, etc.).

However, should the Commission continue to proceed with retention of this rule, Qwest respectfully requests significant revision to the proposed rules. The proposed rules dramatically differ from the existing rule and impose greater credit risk on Local Exchange Companies. Qwest proposes the following rule modifications:

1. Section (2), lines 256-262 should also allow the collection of a deposit for basic local service when the customer:
   - has not previously established credit;
   - currently has a past due bill;
   - does not have a stable monthly income; or
   - has previously obtained service in a fraudulent manner.
2. Subsection (7)(c), lines 287-289 should be omitted. Customers who are considered a credit risk should be required to pay a full deposit before they are eligible to receive interexchange services. Subsections (7)(c) and (d) should be combined and treated as subsection (7)(d) is currently proposed.
3. Section (9), lines 310-318 should allow a toll service provider to immediately toll restrict an account until a deposit is paid.
4. Section (10), lines 325-326 should be revised to clarify the intent of the proposed rule language. The proposed language is unclear and may be construed to suggest that the deposit balance be applied to the bill at the new service location as opposed to retained as a deposit for the new location. Qwest suggests the following modification:

   > (10) Transfer of deposit. When a customer who currently has a deposit on their account transfers their service to a new address within the same company's service territory, and the company requires a deposit at the new address, the company must transfer the deposit to the account at the new service location.

5. Section (13), lines 346-349 should be modified to retain the existing rule language concerning retention of deposit amounts to pay for amounts due to the telecommunications company when a customer terminates service.

Specifically Qwest requests the last sentence in the first paragraph of section (13) be modified as follows:

> If the customer is terminating a particular class of service for which a deposit is being held, the telecommunications company shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the telecommunications company by the customer for service rendered on the telephone account for which the deposit was collected.

480-120-056 Establishment of credit - Business services.

Qwest continues to suggest deleting this rule in its entirety. Each Local Exchange Company should develop sound business practices that are responsive to individual customer needs while serving to protect the interests of the company and its ratepayers (minimizing bad debt, reducing administrative expense, subject to existing consumer protection laws, etc.).

However, should the Commission continue to proceed with retention of this rule, Qwest respectfully requests the following revisions to the proposed rules:

1. Delete section (3), lines 365-367, and section (5), lines 374-388. This language is unnecessary based on the latitude provided in section (2).
2. Section (8), lines 416-419 should be revised to retain the existing rule language. The proposed language is unclear and may be construed to suggest that the deposit balance be applied to the bill at the new service location as opposed to retained as a deposit for such a location. Qwest suggests the following modification:

> (8) Transfer of deposit. When a customer who currently has a deposit on their account transfers their service to a new address within the same company's service territory, and the company requires a deposit at the new address, the company must transfer the deposit to the account at the new service location.

3. Section (10), lines 432-435 should be modified to retain the existing rule language concerning retention of deposit amounts to pay for amounts due to the telecommunications company when a customer terminates service. Specifically Qwest requests the last sentence in the first paragraph of section (10) be modified as follows:

> If the customer is terminating a particular class of service for which a deposit is being held, the telecommunications company shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the telecommunications company by the customer for service rendered on the telephone account for which the deposit was collected.

480-120-057 Deposit or security--telecommunications resellers.

As currently drafted, the proposed rule language at lines 444-448 suggests that providers of resold services are not subject to either WAC 480-120-056 or WAC 480-120-X21. If this is the case, Qwest seriously objects to the lack of parity in regulation. The implication is that a reseller of service can collect a deposit when it deems necessary to avoid financial risk but any other local exchange company cannot do so absent the criteria specified in the deposit rules. Qwest respectfully suggests this proposed language be omitted and that such a distinction not be allowed. Providers of resold services should be included in WAC 480-120-056 or WAC 480-120-X21.

If the intent of the proposed rule is to allow a carrier to collect a deposit from another carrier; Qwest respectfully suggests the rule be modified as follows:

> A Telecommunications Company may be required to pay a deposit to another Telecommunications Company if they are unable to demonstrate satisfactory credit.

480-120-058 Protection of customer prepayments (lines 451-506).

Qwest suggests clarifying language that companies collecting a prepayment for deposit at a pay phone are exempt from requirements of this rule. This rule was not intended to apply to prepayment in the sense of depositing a coin into a phone for use.

480-120-061 Refusal of service.

Qwest suggests deleting section (5), lines 544-553 and section (6), lines 554-559. A Local Exchange Company should choose if and when to negotiate payment arrangements with a customer who continues to have an outstanding debt. Customers who have proven they are not credit worthy should not be allowed to obtain new service with the same company until their prior debt is paid. Nor should customers be allowed an "initial occurrence" as proposed in Section (6), line 555. Particularly in light of the restrictions concerning the amount a company may collect as a deposit in the proposed deposit rule.

480-120-081 Discontinuance of service.

Company initiated discontinuance of service:
Qwest suggests modifying section (1)(a), lines 580-589 to include a requirement that the deception that occurred be corrected as well before service is restored. In addition, when local service rates are so low, customers should not be allowed six months to pay for service. Discretionary services such as toll or features also should not be subject to this requirement. Qwest suggests the following modification:

> (a) **First occurrence.** The company must restore service once the customer has corrected the deceptive practice, has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deceptive use, any applicable deposit, and payment in full of all delinquent balance owed to the company by the customer for the same class of service. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-061(5) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company.

Subsection (2)(b), lines 609-610 should be amended to recognize that ancillary services will be disconnected if basic service is disconnected.

Medical Emergencies:
Section (5), lines 628, 648 and lines 637-641 should be modified to retain the existing rule language. Three significant changes are proposed in the latest Commission staff draft language; these changes should be deleted:

1. Line 628: The proposed rule language requires reinstatement of service within four hours if service has been disconnected and subsequent to such disconnection, a medical emergency has been identified. Qwest objects to a specified interval when the customer should have informed the Company of such a condition before service was terminated. Qwest would not object to a requirement to reinstate service as soon as possible.
2. Line 648: The prior rule required twenty-five percent of the delinquent balance be paid or $10.00, whichever was greater. The proposed rule eliminates the $10.00 minimum payment.
3. Lines 637-641: The existing rule requires the certification to include the name of the resident whose health would be affected by the discontinuance of local service and that person's relationship to the customer. The proposed rule eliminates this requirement.

Disconnection Notice Requirements:
Section (6), lines 668-676 should be modified as follows:

1. The interval requirement at line 670 of not less than eight business days, after the notice is mailed, prior to disconnection is too long.

   Five business days should be adequate for mailed notices and two business days should be sufficient when notice is transmitted electronically (based on prior customer permission) or delivered personally. By the time the customer has received a disconnect notice they have already received their bill, that included a date by which payment must be made.

2. The use of the term "all relevant information" is too broad.

The proposed language at lines 673-674 that requires the inclusion of all relevant language in the disconnect notice; without defining such, is too broad and unclear. The proposed language provides examples but suggests that other information may also be relevant and therefore required. Qwest respectfully suggests that the examples provided are sufficient and should be the defined requirements. Qwest suggests the sentence be revised as follows:

> Each disconnection notice must include:
> - A disconnection date that is not less than five business days after the date the notice is mailed, or two business days after the date the notice is transmitted electronically (with prior customer permission), or delivered personally; and
> - The amount owing for the services that are subject to disconnection or restriction after 11:00 p.m. of the disconnection date; and
> - Instruction as to how to correct the problem; and
> - Information about any disconnection or restoral charges that may be assessed; and
> - The company's name, address, and toll-free number where the customer may contact the company to discuss the pending disconnection of service.

3. The rule requirement at line 685 to restore service if the "company discovers the information on the notice is inaccurate" is too broad and should be eliminated.

   It is unclear what the Commission views to be "inaccurate information" under this rule obligation. If the Company has not satisfied the requirement concerning what the notice must include, it cannot disconnect service; therefore this requirement is unnecessary.

4. The need to reinitiate the process if disconnection does not occur within ten business days, at line 692, should be eliminated.

   The customer has been advised that service will be disconnected if payment is not made by the interval specified. The Company should be free to disconnect service at any time once that interval has past. If a company chooses to give the customer a few more days it should not be penalized by having to repeat the process. The Company should be free to disconnect service when it has complied with the notice interval specified by rule.

5. The requirement at line 703 to provide a minimum period of five business days to permit service users to arrange for continued service when fraudulent practices exist should be modified. There should not be a five-day period for service to remain working when there is no responsible billing party. A grace

period of one business day should be sufficient for a new applicant to apply for continued service. Qwest proposes the rule be modified as follows:

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

6. The rule requirements for resale at lines 712-715 should be eliminated.

   This requirement should be imposed on the carrier offering resold service to end users; not on the provider offering service to the carrier. The carrier's provider, and its ratepayers, are already subject to the risk that the amount owed will not be recovered. These same parties should not now be required to incur further expense by paying for advertising on behalf of another provider. Customers who choose competitors should not expect that such choices are risk free. If their provider can no longer provide service, they will need to select another provider.

   Should the Commission decide to proceed with this rule; it should be revised as follows:

   > If a disconnect notice is served on a carrier that has existing customers with resold services of the carrier rendering the notice and the resale carrier cannot met the requirement of payment addressed in the notice, the carrier purchasing resold services must publish notice in a major newspaper with distribution coverage in each exchange area that would be affected by the pending disconnect action, that it will be discontinuing service. The carrier purchasing resold services must publish the notice at least five business days before the proposed disconnection date.

<u>Second disconnection of service notice requirements:</u>
Section (7), lines 716-736 should be eliminated. A second notice should not be mandated. This action needlessly delays disconnection on unpaid at-risk accounts driving up accumulated bad debt. However, should the Commission decide to proceed with the proposed language in Section (7), lines 723 and 727 should be modified to reflect that only one option is required. As the rule is currently drafted it requires a delivered notice, an electronically issued notice and a mailed or telephone notice. The addition of the word "or" at the end of subsections (a) and (b) would correct this section of the proposed rule to be consistent with the current rule.

Disconnect procedures for Contracts or Interconnection Agreements:
Section (10), lines 752-761 should be eliminated. This would require the Company to amend all or most of its existing interconnection agreements, which the Commission has already approved. In addition, the Commission should not try to address carrier-to-carrier issues in what is essentially a consumer rule. The rights and responsibilities between carriers are governed by the Telecom Act, the FCC's rules, and their individual interconnection agreements. The processes around placing orders for new service, and discontinuance of service, are different from those that apply to consumers. Indeed, the Commission has recognized the very different nature of the relationship between carriers when it established nonrecurring charges for UNEs in the generic cost docket. There, the Commission ordered bifurcated nonrecurring charges for installation and disconnect functions, in recognition of the business relationship between carriers. This is in sharp contrast to traditional, end-user nonrecurring charges, where the cost for disconnect is rolled into the nonrecurring installation charge. The Commission has made specific policy decisions to distinguish carrier-to-carrier relationships from carrier-to-end user relationships, and it would be inconsistent (and bad policy) to reverse that position in this rule.

Customer specific contracts typically do not address customer specific terms for disconnection of service. This language is also not necessary.

480-120-X07 Reconnecting service after disconnection.

Section (2), lines 774-776 should be modified to require reconnection when the company has verified that the causes for discontinuance have been corrected. Restoration of service should not be required based on customer notification and the lack of contrary information. A customer could notify a Company that it has mailed payment and the Company could not verify that the customer did mail the payment until the payment is received. Under this example, the proposed language would require the Company to restore service based solely on the customer notice. This is not adequate to ensure satisfaction of the customer's obligation once the service has been disconnected. The customer could have avoided the disconnection if they has made payment as required under the disconnect notice. Because payment was not made and service was disconnected, they should not be able to get service restored until the payment is actually received or verified. The 24 hours requirement in subsection (a) would dictate restoration of service prior to receipt of a mailed payment.

In addition subsections (2)(a) and (b) should be modified to one business day and two business days respectively. Following are the modifications that should be made:

> (2) After the customer notifies the company that the causes for discontinuance have been corrected, and the company has verified that such has occurred, the company must restore service(s) within the following time frames:

> (a) Service(s) that do not require a premise visit for reconnection must be restored within one business day.
> (b) Service(s) that do require a premise visit for reconnection must be restored within two business days.

480-120-X22 Discontinuance of service - customer requested.

Section (2), lines 804-811 should be eliminated. As long as the customer is not liable for service as specified in section (3); it should not matter if the actual disconnection of service occurs within a few days. The Company should have some flexibility here as long as a new customer doesn't need service at that location and the disconnecting customer isn't harmed and doesn't need the telephone number at their new location. A requirement to complete physical disconnection of customer initiated orders within a specified interval may interfere with a Company's ability to meet all of the other intervals dictated by Commission rules for installation or restoration of service activities. This interval is not required since the customer is not harmed.

Section (4), lines 816-821 should be eliminated. It is unclear why a rule is necessary when the practice is already standard within the industry. Should the Commission decide to proceed with this language, Qwest respectfully suggests that it be clarified as follows:

> (4) At the customer's request, the company must treat the customer's service as continuing through a change in location from one premise to another within the same service area if a request for service at the new premise is made before discontinuation of service at the old premise and service is not subject to discontinuation for cause.

The requirement to provide the same type of service at the new premise unless such is precluded by the tariff or price list of the company at lines 819-821 should be eliminated. This language is already covered by the tariff or price list under which the service is offered.

Section (5), lines 822-825 should be eliminated. The customer should be directly responsible for the discontinuance of all services.

480-120-089 Information delivery services.

Section (3), line 957 should be modified to correct a typing error as follows:

> ….. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information delivery services on their residential telephone lines, blocking will prevent access to information delivery services from their residential telephone line, customers may request free blocking of access to information delivery services on their residential telephone lines by calling the LEC at a specified telephone number, the Washington utilities and

> transportation commission is authorized to enforce this law, and customers may contact the commission for further information. …

480-120-101 Complaints and disputes.

The introduction to section (1), lines 973-976 should be qualified to those complaints that require action. Some customers may complain about the manner service was provided or service itself but may not require investigation of their complaint. If this is the case the Company should not have to acknowledge the complaint as required under subsections (1)(a), (b), (c), and (e). Therefore Qwest respectfully suggests the introduction in section (1) be modified as follows:

> When a company receives a verbal or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, and the customer requests a response or some action, the company must acknowledge the complaint as follows:

480-120-X33 Customer complaints - responding to commission.

Qwest appreciates the amendments proposed in the latest draft rule in response to earlier comments made by the industry. These changes will enable both the Commission staff and the Company to focus on those complaints that require immediate resolution.

However, Qwest respectfully requests that subsection (2)(b), lines 1003-1004 be omitted. The Company should be encouraged to resolve the complaint directly with the customer even if the customer has taken the complaint to the Commission. The Commission should not require the Company to get permission from the commission before it can contact its own customer.

Qwest also respectfully requests that section (5), lines 1022-1023 be modified to require a status to the Commission when relevant changes occur in what has been previously communicated to the Commission and when there is final resolution of the complaint. The Company should not be required to report the progress toward the solution for each complaint. This does not mean to suggest that the Commission staff cannot ask for progress reports but when the staff requests such it should be clear what information is required and how often a progress report is required. Rather than try to define that by rule, Qwest suggests Section 5 be modified as follows:

> (5) Companies must keep commission staff informed when relevant changes occur in what has been previously communicated to the Commission and when there is final resolution of the complaint.

Section (8), lines 1031-1033 should be modified to provide for other service credits and should not be restricted to only that credit proposed. For example, Qwest has a different

credit program for out-of-service conditions over two working days or over seven calendar days. Qwest should not be obligated to provide duplicate credits. Therefore, Qwest respectfully suggests section (8) be modified as follows:

> (8) Every telecommunications company must provide a minimum pro-rata credit for each day or partial day a customer is out of service whenever that service is billed on a monthly basis and the service is not available for more than a total of twenty-four hours in a billing cycle. If a telecommunications company offers a different credit for out of service conditions that is equal to or greater than the minimum credit required by this rule, the minimum credit is not required.

480-120-106 Form of bills.

Qwest respectfully suggests section (2), lines 1045-1058 be modified as follows:

> 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 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 delayed 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 record of the customer's request, and the customer may change from electronic to printed billing at the customer's request.

Section (2), lines 1048-1049 should be modified so that it does not distinguish between bills mailed from within the state verses bills mailed from outside the state. The proposed rule language would require Qwest to change its minimum time payment cycle timelines from fifteen days to eighteen days. It is not clear that such a significant change is necessary, nor is it clear how this change would affect uncollectible expense, cash flow, etc.

The example at the end of the second paragraph in section (2), lines 1053-1054 should be corrected to reflect what the rule actually requires.

The third paragraph at lines 1056-1057 should allow the customer to request electronic bills orally, and should not require a written record of the customer's consent. The customer records would note this request and may suffice as a written record. However, the rule may be interpreted to be different than notes on the customer's record that the customer requested such.

Section (3), line 1061 should maintain the current rule language that references the adjustment in the "payment schedule" instead of the proposed language that references the "billing cycle". The billing cycle encompasses more than the payment schedule. Qwest respectfully suggests section (3), line 1061 be modified as follows:

> 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 payment schedule 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.

A typing error exists in subsection (4)(b), line 1068.

Subsection (5)(a), lines 1072-1075 should be modified to delete the requirement to identify the company's name as registered with the commission if different from the name used to market the service. The company should not be required to identify both names on the bill but should be required to provide identification of all names used to market services to the commission as part of the registration process if the company uses different names.

Subsection (5)(b), lines 1077-1078 should be modified to omit the requirements to identify the nature of the relationship of the new service provider with the customer and whether the new service provider is a presubscribed local exchange or interexchange company. This information is unnecessary since the customer ordered the new service.

Subsection (5)(d), lines 1089-1090 should be modified to only require the information once. Qwest respectfully suggests subsection (5)(d) be modified as follows:

> Bills must separately identify all fees, surcharges, usage rates, and incentives associated with each service subscribed to by the customer, as applicable.

Section (5)(e), lines 1091-1093 should not prescribe the specific bill language required to describe all line items that reflect an addition of service, a change in rates, or a change in rate plans. The requirement simply to describe such changes is sufficient.

Section (7), lines 1099-1114 should not prescribed the specific bill language required to describe bill charges. The proposed rule should be modified to reflect what the Commission requires without prescribing specific language that the company must use. Qwest respectfully suggests the rule be modified as follows:

> A company must separately identify the following charges
> - direct dial charges,
> - credit card call charges (excluding flat charges),
> - the number of minutes billed,

- the average billed-price per minute.

Lines 1104-1114 should be eliminated from section (7):

> If applicable, all bills must contain the following, separated by individual account code: outstanding balance for account code at the beginning of the current billing cycle, using a term such as "previous balance;" amount of the charges debited to each account code during the current billing cycle, using a term such as "current service;" amount of payments made to each account code from the previous billing cycle, using a term such as "payments;" amount of charges debited to each account during the current billing cycle for untimely payment of past charges, using a term such as "late charge;" a list of the closing dates of the current billing cycle and the outstanding balance in each account code on that date, using a term such as "amount due;" the statement, or payment, due date; and the date by which payment of the new balance must be made to avoid assessment of a late charge.

A requirement to include this language would result in the provision of a bill that could be used by a reseller to furnish to its customers without incurring any expense. The expense would fall on the local exchange provider (and its customers), who may or may not have an agreement with the reseller. A customer (non-reseller) does not need the degree of information required in this section.

Section (9), lines 1129-1135 should be modified to eliminate the requirement to bill only for companies properly registered to provide service. The company that provides the service should be required to properly register and the company that bills for that provider should not be required to ensure that the provider complies with the commission registration requirements.

Section (11), lines 1139-1150 should be eliminated. The first sentence in Section (11), lines 1139-1140, implies a customer can block any charge they desire, however, the rule then proceeds to describe all the charges that cannot be blocked. The proposed language needs significant modification, should the Commission decide it wants to proceed with this rule section. For example, the first sentence in Section (11) should be qualified to those situations where such restriction is possible and where such restriction is lawful. A local exchange company may not be able to restrict any and all charges requested by a customer.

In addition, the language at section (11), lines 1145-1148, appears to suggest an annual notice is required and a notice is required each time a customer notifies a company their bill contains charges for products or services that the customer did not order or ordered but did not receive. Qwest objects to the later notice requirement; annual notice should be sufficient.

Should the Commission decide to retain this proposed rule, Qwest respectfully suggests it be modified as follows:

> A customer may request a company block charges to their telephone number for specific services billed by any entity for which they are not a subscriber. This does not include charges required by law such as taxes, surcharges, etc. Nor does it include charges for 10-10-XXX calls. The Company must notify customers of this right annually.

480-120-X34 Pro-rata credits.
This rule duplicates language in proposed WAC 480-120-X33, in section (8), lines 1031-1033. Therefore it should be eliminated.

Should the Commission decide to retain this proposed rule at lines 1165-1167, Qwest respectfully suggests it be modified to provide for other service credits and should not be restricted to only that credit proposed. For example, Qwest has a different credit program for out-of-service conditions over two working days or over seven calendar days. Qwest should not be obligated to provide duplicate credits. Therefore, Qwest respectfully suggests -X34 be modified as follows:

> Every telecommunications company must provide a minimum pro-rata credit for each day or partial day a customer is out of service whenever that service is billed on a monthly basis and the service is not available for more than a total of twenty-four hours in a billing cycle. If a telecommunications company offers a different credit for out of service conditions that is equal to or greater than the minimum credit required by this rule, the minimum credit is not required.

480-120-138 Pay phone service providers (PSPs).
Qwest appreciates the changes made in section (6), lines 1275-1290; these changes will enable local governing jurisdictions or other governmental agencies to restrict pay telephones, as necessary, in a timely fashion.

480-120-139 Changes in local exchange and intrastate toll services.
Qwest respectfully suggests deleting the following new sentence at lines 1377-1380 that has been added to section (4):

> If an executing carrier takes a request to change a customer's preferred carrier directly from that customer, it must verify that change order in accordance with the verification procedures outlined in subsection (1)(a) through (c).

This new requirement imposes unnecessary steps on the customer who simply wishes to change their preferred carrier. The verification procedures outlined in subsection (1)(a) through (c) are designed to address those situations where a carrier is ordering a change on behalf of a customer as opposed to the customer of record ordering the change directly. This new language now includes new requirements on the customer of record when they desire a change of service. These steps are likely to draw a negative reaction from customers since they will not be used to this practice. Slamming rules address

changes made by carriers that are not authorized by customers. Rules that impose unnecessary requirements on customers should be avoided.

Qwest also respectfully suggests section (7), lines 1429-1446 be deleted and addressed on a company specific basis. However, should the Commission decide to proceed with the proposed rule language, Qwest respectfully suggests subsection (7)(b), lines 1436-1446 be modified as follows:

> (b) The company the customers are being transferred to allows the customers to chose another telecommunications company, provides preferred carrier change credits to that company and to any other company the customer may choose for a period of sixty days following the initial date of transfer. The company must also provide notice to the affected customers thirty days before the date of transfer advising customers that pic change charges will be credited to the customers for being transferred to the company and to any other company the customer may choose for a period of sixty days following the initial date of transfer.

As long as the customer is given thirty days notice to select a new provider, the need to maintain current rates, services, terms and conditions for a period of ninety days should not be necessary.

480-120-141 Operator service providers (OSPs).
The last sentence in section (1), lines 1453-1454 should be deleted. Operator service providers may not know if a pay phone service provider is fully in compliance with the commission's rules.

Subsection (3)(b), line 1476 now requires an operator service provider to provide verbal information advising that the consumer may complete the call by entering the consumer's calling card number. The prior rule required disclosure of the ability to obtain a rate quote before any further verbal information advising the consumer how to complete the call, such as to enter the consumer's calling card number. Subsection (3)(b) should be modified as follows:

> (b) After hearing an OSP's message, a consumer may waive the right to obtain specific rate quotes for that call by choosing not to press the key(s) specified in the OSP's message, or hanging up. The rate quoted for the call must include any other applicable charge. Charges to the user must not exceed the quoted rate. Following the consumer's response to any of the above, the OSP may provide verbal information advising that the consumer may complete the call by entering the consumer's calling card number. This rule 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.

Section (7), line 1508 should be modified to retain the original qualifying language. Qwest suggests it be modified as follows:

> The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when the capability to accomplish reorigination with screening and allow billing from the point of origin of the call is in place. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

The requirement to maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour, was qualified to recognize not all facilities were subject to the control of the operator service provider. The facilities available "for access to consumers' preferred interexchange companies" are subject to decisions made by the interexchange company, not the operator service provider.

In addition, the requirement to reoriginate calls with screening and to allow billing from the point of origin of the call based on "technical ability" as opposed to when the "capability is in place" may be a significant change. The proposed language could be interpreted to require deployment of the technology. The prior language required the operator service provider to reoriginate calls with screening and to allow billing from the point of origin of the call based on the existence of the capability not simply that such a capability was "technically available". The prior language should be retained.

All reference to payphone specific coding digits should be deleted from section (9), lines 1524-1544. Payphone specific ANI coding digits were never intended to be used for Fraud Protection. The sole purpose of payphone specific ANI coding digits is for use by Carriers in identifying and tracking dial around calls for payment of per-call compensation to Payphone Service Providers. Payphone specific ANI coding digits are provided via Flex ANI technology and are sent only to Carrier switches and not to Carrier operators, therefore they are of no value in preventing fraudulent calls. In addition, not all Carriers have had their Carrier Identification Codes (CICs) activated with Flex ANI. Payphone specific coding digits are provided pursuant to the FCC Payphone Orders in Docket 96-128 implementing Section 276 of the Telecommunications Act of 1996.

The last sentence in subsection (10)(a), lines 1550-1551 should be deleted. Providers of pay phone access line service may not know if an operator service provider's registration is suspended. However, should the Commission decide to retain this rule, the Commission should notify providers of pay phone access line service when an operator service provider's registration is suspended, then the providers can enforce this rule requirement.

Comments of Qwest Corporation in
Docket No. UT-990146
Chapter 480-120 - Operations
DRAFT Consumer Rules