

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF:

**Revising Rules—Telecommunications
Companies—Chapter 480-120 WAC.**

Docket No. UT-990146

**COMMENTS OF VERIZON NORTHWEST INC.
ON PROPOSED LANGUAGE FOR WAC 480-120-141(3) AND
PROPOSED REVISED DEFINITIONS**

June 4, 2001

Verizon submits the following comments in response to the Supplemental Notice of Opportunity to File Written Comments and to Propose Alternative Rule Language on Draft Rules Concerning Operator Service Providers and Definitions for Chapter 480-120 WAC issued on May 15, 2001.

Discussion Draft - WAC 480-120-141(3)
Rules Concerning Operator Service Providers Verbal Disclosure of Rates

Verizon understands the intent of the draft language is to disclose to customers the potential rates that may be charged for operator assisted calls. Verizon agrees that this is a reasonable concept and notes that the free market already provides the required notice. There is no justification for the Commission to promulgate rules without a showing of need. Therefore, Verizon opposes the alternative proposed rule language for verbal disclosure of rates. In light of the market developments, at best, the proposed rules are premature.

The marketplace has already produced numerous consumer protections to obtain the rate quote information. As a result of significant and ongoing advertising, consumers are aware of the operator assistance rates of many telecommunications providers. In addition to dialing "0" for rate information, consumers may utilize widely available and heavily marketed 800 numbers that provide access to operator services. As an example, 1-800-COLLECT, 1-800-CALLATT and 1-800-255CALL (operator services for MCI, AT&T and Verizon respectively) all provide access to operator services that ensure continuity for their subscribers in terms of rates and services.

If the Commission should decide to move ahead with these rules regardless of the market actions, Verizon has specific concerns / suggestions on the proposed language.

Subsections (b) and (c) should be amended to reflect the same exemption for “taxes and fees required by law” as is reflected in subsection (f). Requiring the companies to identify taxes and fees required by law is burdensome and may even be impossible, as the operators typically do not have access to this type of information.

Subsection (e) requires that operators state that the consumer may complete the call by entering the consumers’ calling card. Verizon is concerned that this may result in additional questions from consumers regarding the dialing requirements of particular calling cards. The Commission should be aware that Verizon’s operators will not be able to answer such questions on the dialing requirements of other companies or prepaid calling cards. The sentence should simply end after the word "call."

Only the type of rate quote advisory set forth in draft subsection (b) should be required. The benchmark approach would be cumbersome, and it is unnecessary because of the market developments and heightened consumer awareness described above.

WAC 480-120-021 Definitions - Draft

GENERAL COMMENTS

Verizon is not certain if all of the draft definitions are intended to be set forth in the 480-120-021 Glossary or if some will be included in specific substantive rules. These comments assume that the draft definitions are intended to be of general application and would be included in the Glossary.

To the extent practicable, Verizon supports consistency in definitions between those contained in other sections or chapters of the Washington Administrative Code (i.e., Chapter

480-80), state statutory definitions (i.e., RCW 80.04.010) and federal definitions (i.e., 47 U.S.C. § 153).

Where a term is used only in one rule or in consecutive related rules, it should be defined in the substantive rule rather than in the Glossary. This will highlight for the reader the specific impact of the definition.

SPECIFIC COMMENTS

Access charge. Two existing rules deal with the subject of access charges. The first rule is WAC 480-120-540, which deals with the establishment of terminating access charges. The second rule is WAC 480-120-541, which was moved from Chapter 480-80 in Docket No. U-991301 and was effective May 5, 2001. Proposed WAC 480-120-X11 is intended to replace this rule. WAC 480-120-540 defines access charge differently than the proposed definition in 480-120-021. The proposed definition should be made consistent with WAC 480-120-540 to avoid confusion.

Basic service, local exchange telecommunications service, telephone exchange service.

Confusing and inappropriate duplicative terms should be eliminated. The Commission's proposal includes definitions for basic service, local exchange telecommunications service, telephone exchange service, which are - - in common usage - - usually synonymous. Also, the term "access line" is often used to mean the same thing. In addition, the 480-120 rules use other similar terms, such as "local service," "local telephone service" or "basic local service." The rules should minimize the use of synonyms, especially when a formal definition of terms limits their applicability. For example, the definition of "basic service" is limited to the universal service context, but the term may be used in rules in other contexts. Ideally, one term should be

included in the Definitions to denote basic local exchange service, and it should be used consistently throughout the chapter. Where the context of a specific rule requires a different meaning, that meaning should be set forth in the substantive rule itself.

Business service and Residential. The draft definitions are too simplistic and do not take into account differences in companies' tariff definitions of these classes of service. For example, the draft definition of Residential - - "service to a residence" - - misses the point that in work-at-home situations business class services may be provided at residences. "Residential" should be defined as "residence class of service, as defined in the applicable tariff or price list," and "Business service" should be defined as "business class of service, as defined in the applicable tariff or price list."

Business office and Company. The definitions of "business office" and "company" for WAC 480-120-021 is slightly different from that proposed for new WAC 480-080-030. Verizon prefers that any definitions that are contained in both WAC 480-120-021 and WAC 480-80-030 be the same. Verizon requests the Commission Staff to clarify whether any difference in substance is intended for the two sets of rules.

Customer Premises Equipment ("CPE"). The proposed definition is slightly different from that contained in referenced 47 U.S.C. § 153. Verizon prefers the federal definition which defines CPE as follows:

The term "customer premises equipment" means equipment employed on the premises of a person (other than a carrier) to originate route or terminate telecommunications.

Drop wire. The second sentence of the draft definition must be deleted. It is not definitional, rather it is a mandate for network design and construction, which must be set forth in a substantive rule.

Disconnect; Disconnection; Disconnected. The proposed definition seems incomplete because it deals only with the technical act of severing a call connection. It does not deal with the process of discontinuing service as discussed in WAC 480-120-081 and other rules. Verizon recommends a definition that encompasses both the act of disconnection as an engineering matter (which is “the breaking or release of a circuit connecting two telephones or data devices;” see Newton’s Telecom Dictionary (13 ed.) p. 216) and the discontinuance of telephone service.

Force majeure. The proposed definition is too narrow and is limited to situations where emergencies must be declared by governmental officials. In law "force majeure" refers to an uncontrollable force or act that prevents a party from performing obligations. The force majeure definition should be expanded as follows:

Force majeure means circumstances beyond the reasonable control of the party obligated to perform, such as those due to the elements, natural disasters, strikes, electrical, computer or mechanical failures, civil or military emergencies, or acts of legislative, judicial, or other civil authorities.

Held orders. Delete “or for any other reason.” It would effect a substantive change in what must be reported under rule WAC 480-120-535, which is currently specific to lack of facility situations. Any such proposal should be made with regard to WAC 480-120-535 itself, not in the Definitions portion of this docket.

Major outages. This should not be addressed in the Definitions portion of this docket. Since it would have a major new operational impact, it should be addressed with regard to proposals for the substantive rules. As to the substance of the proposed definition, Verizon previously expressed its concerns over this definition, which is a critical term for purposes of service standards. Verizon continues to object to defining major outages as meaning “1,000 customer hours lost.” This definition is virtually impossible to measure in a meaningful way by Verizon. It could mean one customer is out of service for 1,000 hours or 6,000 customers are out for 10 minutes. Historically, neither would qualify as a major outage. Verizon therefore recommends defining major outage as follows: “Service failure lasting for an hour or more beginning from the point of outage and affecting more than one thousand customers.”

Payment agency. Delete the term “in” and substitute the word “on.” Delete the term “urgent payments” so that the definition is limited only to agencies established for the purpose of receiving customer payments.

Premise. Add the term “and/or” in this definition.

Private Rights of Way. Delete “that have been ascertained” and revise the definition to read: “Private rights of way are those not public.” As drafted by the Commission, this creates an ambiguity because it raises a question as to who would “ascertain” whether an exchange is public or private.

Regulated charges. Insert “or price list” to this definition.

Trouble reports. Add “or problems due to emergencies or major outages of service caused by persons or entities other than the LEC.” This would make the definition consistent with proposed WAC 480-120-525.

Utility. Since proposed rule 480-120-X22 is the only cited place where this term is used, it should be replaced in that rule with "company" and the definition of "utility" should be deleted.