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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
QWEST CORPORATION
To Amend WAC 480-120-146

Docket No.
QWEST’S PETITION TO AMEND WAC
480-120-146

Qwest Corporation (“Qwest”) hereby petitions the Washington Utilities and Transportation Commission for an amendment of adopted rule WAC 480-120-146, a rule the Commission is responsible for administering. WAC 480-120-146 was developed through proceedings in Docket No. UT-990146¹ and becomes effective on July 1, 2003.

RULES RE PETITIONS TO AMEND

Qwest files this petition in accordance with RCW 34.05.330, WAC 82-05-020, and WAC 480-09-220 which state:

§ 34.05.330. Petition for adoption, amendment, repeal – Agency action – Appeal

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. The office of financial management shall prescribe by rule the format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall either (a) deny the petition in writing, stating (i) its reasons for the

¹ *In the Matter of Amending, Adopting and Repealing Chapter 480-120 WAC Relating to Telephone Companies*, Docket UT-990146, General Order No. R-507, Order Amending, Adopting and Repealing Rules Permanently, filed with the Code Reviser's Office December 16, 2002.

1 denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii)
2 the alternative means by which it will address the concerns raised by the petitioner, or (b)
initiate rule-making proceedings in accordance with RCW 34.05.320.

3 ** ** **

4 (4) In petitioning for repeal or amendment of a rule under this section, a person is encouraged
to address, among other concerns:

- 5 (a) Whether the rule is authorized;
- 6 (b) Whether the rule is needed;
- 7 (c) Whether the rule conflicts with or duplicates other federal, state, or local laws;
- 8 (d) Whether alternatives to the rule exist that will serve the same purpose at less cost;
- 9 (e) Whether the rule applies differently to public and private entities;
- 10 (f) Whether the rule serves the purposes for which it was adopted;
- 11 (g) Whether the costs imposed by the rule are unreasonable;
- 12 (h) Whether the rule is clearly and simply stated;
- 13 (i) Whether the rule is different than a federal law applicable to the same activity or
subject matter without adequate justification; and
- 14 (j) Whether the rule was adopted according to all applicable provisions of law.

11 **WAC 82-05-020.** What information must I include in a petition?

- 12 (1) Every petition for adoption, repeal, or amendment of a rule must include the following:
 - 13 (a) The name of the agency responsible for administering the rule, and
 - 14 (b) The rationale for adoption of a new rule or amendment or repeal of an existing rule.
- 15 In addition to any other concerns, you, the petitioner, are encouraged to address whether:
 - 16 (i) The rule is authorized
 - 17 (ii) The rule is needed
 - 18 (iii) The rule conflicts with or duplicates other federal, state, or local laws
 - 19 (iv) Alternatives to the rule exist that will serve the same purpose at less cost
 - 20 (v) The rule applies differently to public and private entities
 - 21 (vi) The rule serves the purposes for which it was adopted
 - 22 (vii) The rule imposes unreasonable costs
 - 23 (viii) The rule is clearly and simply stated, and
 - 24 (ix) The rule differs, without adequate justification, from a federal law which applies to the
same activity or subject matter.

25 (2)

26 When you are:

Petition should include:

27 ** ** **

28 Requesting amendment of
existing agency rule

Name, title, number of rule, and
text or description of amendment

29 ** ** **

30 **WAC 480-09-220.** Petitions for rule making, amendment, or repeal.

- 31 (1) Any interested person may petition the commission requesting the
promulgation, amendment, or repeal of any rule.
- 32 (2) Petitions for new rules or for the amendment or repeal of existing rules are
governed by RCW 34.05.330 and chapter 82-05 WAC.

1 (3) The commission will provide on request a copy of chapter 82-05 WAC and the
2 form for petitioning for adoption, amendment, or repeal of a state administrative rule.

3 **MODIFIED LANGUAGE**

4 Qwest requests amendment of the language of this rule as follows:

5 **WAC 480-120-146 Changing service providers from one local exchange company to**
6 **another.** When a customer changes from one local exchange company (LEC) to another
7 and the customer retains the same telephone number via Local Number Portability (LNP)
8 the LEC providing existing service to the customer must wait until 11:59 p.m. of the next
9 business day following the scheduled port before disconnecting a customer's previous
10 service.

11 When a customer changes service providers from one ~~local exchange company (LEC)~~ to
12 another, and the customer does not retain the same telephone number via LNP, the LEC
13 providing existing service to the customer must not discontinue service until it receives
14 confirmation of activation of new service from the new service provider. The LEC
15 providing new service must supply prompt notice of activation.

16 The requirements of this section do not apply if the customer submitted the cancellation
17 order directly to the LEC providing existing service.

18 **ANALYSIS**

19 On March 24, 2003, Qwest filed with the Commission a *Petition for Waiver of WAC 480-*
20 *120-140 As Adopted On December 16, 2002 in Docket No. UT-990146 and Effective July 1, 2003*
21 (Docket No. UT-030417). In that Petition, Qwest sought a waiver of the rule for the times when a
22 customer migrates from Qwest to another local exchange carrier (LEC) or when a customer
23 migrates from another LEC to Qwest and the customer retained his/her telephone number via
24 Local Number Portability (LNP). Qwest currently follows the highly successful LNP practices
25 ordered in Docket No. UT-003022/UT-003040 (Fifteenth Supplemental Order dated August 17,
26 2001) and has developed performance measures based on the ordered processes. Further, the
current LNP processes, which are documented in Qwest's Commission-approved Statement of
Generally Available Terms and Conditions Section 10.2.5.3.1, are approved by the FCC's North
American Numbering Council's Local Number Portability Administration Working Group.²

² Local Number Portability Administration Working Group Guidelines. Provisioning with Unconditional 10-Digit Trigger, Figure 3, Flow AA, revised February 7, 2002.

1 The manual system of confirmation of activation of new service under the rule is a wholly
2 different system which requires additional databases and technology, is cumbersome, timely, and
3 prone to human error, and would hinder customer service.

4 The current system works as follows: A customer or a LEC places an order to discontinue
5 service from Qwest and transfer the number. On the day of a scheduled port from Qwest to
6 another LEC, Qwest waits until 11:59 p.m. to disconnect a customer's previous service. This
7 allows time for the LEC to process the order and work on any problem areas that might arise.
8 Under the rule, the system might go like this: The LEC establishes service for customer. The LEC
9 then provides "prompt notice of activation" to Qwest. Qwest reviews this paperwork, and
10 manually searches its systems for a matching order to disconnect the customer from Qwest's
11 service. Qwest locates order and places internal order to disconnect customer. Qwest disconnects
12 customer.

13 As indicated by Qwest's performance results, the current delayed disconnect process is
14 working effectively to achieve the Commission's goal of timely disconnects for customers porting
15 to another LEC.. Qwest's PID OP-17 measures Timeliness of Disconnects Associated with LNP
16 Orders. Monthly results from February, 2002 through January, 2003, exceeded the benchmark
17 measurement, OP-17A, every month. For seven of the months, the result was 100% and the
18 remaining five months ranged from 99.73% to 99.99%. Qwest's performance for the diagnostic
19 measurement, OP-17B, was 100% for eleven out of twelve months (the twelfth month result was
20 99.99%).

21 In those instances where a customer was migrating to Qwest from another LEC, Qwest
22 ported-in 20,630 telephone numbers from other local service providers in Washington during the
23 February, 2002 through January, 2003 time period. During this time, Qwest received twenty-one
24 customer complaints or escalations concerning premature disconnection. Therefore, 99.9% of
25 telephone numbers ported-in experienced timely disconnects.

26 **CONCLUSION**

1 Qwest petitions for this amendment of WAC 480-120-146 so that it, and the other LECs,
2 can continue to minimize the service interruptions for customers who wish to retain their number
3 when changing local exchange carriers. Further, the proposed amended language details adopted
4 practices and standards that emerged from the industry process; in its Port Confirmation order,³ the
5 FCC concluded this was a reasonable manner of determining practices regarding LNP
6 confirmations.

7 Respectfully submitted this 17th day of June, 2003.

8 QWEST CORPORATION

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³ FCC Memorandum Opinion and Order, *In the Matter of Petition of WorldCom, Inc., Cox Virginia Telcom, Inc., AT&T Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission regarding Interconnection Disputes with Verizon Virginia, Inc., and for Expedited Arbitration*, CC Docket No. 00-218, et al. at ¶ 566.