

February 4, 2000

Chapter 480-120 WAC
TELEPHONE COMPANIES
Legislative Draft - Telecommunications Rules

WAC 480-120-011 Application of rules.

~~These rules and regulations shall govern the furnishing of~~ apply to any telecommunications company that furnishes intrastate telecommunications service and facilities to the public by telecommunications companies subject to the jurisdiction of the commission, ~~such public service company hereinafter referred to as "utility."~~ The purpose of these rules is to ~~set forth reasonable service standards to the end that modern, adequate, efficient and sufficient telecommunications service will be rendered to the public.~~

~~The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.~~

~~Cases of erroneous or doubtful interpretation of these rules by a utility or subscriber are subject to appeal to the commission by any interested and proper party affected.~~

~~Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rules herein, except when such provisions are fixed by statute.~~

~~No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW.~~

These rules set forth in this chapter are not intended to establish a standard of care owed by a telecommunications company to any customer, consumer or subscriber.

WAC 480-120-016 Saving clause.

~~The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these~~ The commission may impose additional or different requirements on any telecommunications company in response to a complaint or on its own motion. These rules shall in no way do not relieve any utility telecommunications company from any of its duties under the laws of the state of Washington.

WAC 480-120-022 Classification proceedings.

(1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service. The Commission shall enter its final order with respect to any suspended classification request within six months from the date of filing of a company's petition or the commission's own motion for competitive classification, except that with respect to classifications requested under (8) and (9) below, the commission shall enter its final order no later than three months after the filing of a company's petition.

(2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by order instituting investigation.

(3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its order upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the commission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).

(4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice of the pendency of the classification proceeding. The commission shall determine the manner and distribution of notice.

(5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.

(6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.

(7) Burden of proof. In any classification proceeding initiated by a telecommunications company, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a company is competitive, factors the commission shall consider include those set forth in RCW 80.36.320. In determining whether a service is competitive, factors the commission shall consider include those set forth in RCW 80.36.330, but are not limited to:

- ~~(a) The number and size of alternative providers of services;~~
- ~~(b) The extent to which services are available from alternative providers in the relevant market;~~
- ~~(c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and~~
- ~~(d) Other indicators of market power, which may include market share, growth in~~

~~market share, ease of entry, and the affiliation of providers of services.~~

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition.

(8) Any service offered within a specified geographic area shall be conclusively deemed subject to effective competition in satisfaction of the requirements of 80.36.330 and thereby classified as a competitive telecommunications service upon a showing by the requesting company that:

(a) one or more competitive telecommunications companies are collocated in that central office serving the specified geographic area and are offering service(s) similar to the service(s) sought to be competitively classified, at prices no more than 25% higher than the rates charged by the incumbent carrier or,

(b) one or more competitive telecommunications companies are offering service(s) similar to the service(s) sought to be competitively classified, at prices no more than 25% higher than the rates charged by the incumbent carrier, through the use of their own, or third party leased facilities, which may include but are not limited to, fiber, copper, cable or fixed wireless technologies.

In applying the criteria listed in 8 (a) and (b) above, business basic exchange service should be considered a distinct and separate service from residential basic exchange service.

(9) In addition to competitive classification under the criteria in subsection (2) above, residential exchange service and associated vertical services within the geographic area(s) served by a specific central office(s) shall also be conclusively deemed to be subject to effective competition in satisfaction of the requirements of 80.36.330 and classified as competitive upon a showing by the requesting carrier that one or more wireless carriers, offering functionally equivalent service within the same area(s) served by the specified central office(s), who are unaffiliated with the incumbent wireline provider, are offering wireless calling plans that, based on average calling data, are within 25% of the rate charged by the incumbent carrier.

(10) Upon competitive classification of any telecommunications service pursuant to RCW 80.36.330, all telecommunications companies offering substantially the same service in the same relevant market shall be allowed to offer the service in that market as a competitive service at the election of the company.

(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)

WAC 480-120-023 Content of petition for classification of competitive telecommunications services and companies.

In addition to the requirements of WAC 480-08-050(13), a petition for classification of a

competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

- (1) Name and address of the petitioner;
- (2) A description of the services it offers;
- (3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;
- (4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:
 - (a) Descriptions of all services in the petitioner's definition of the relevant market for the service;
 - (b) Names and addresses of all providers of such services known ~~or reasonably knowable~~ to the petitioner;
 - (c) Prices, terms, and conditions under which such services are offered to the extent known ~~or reasonably knowable~~ to the petitioner;
 - (d) A geographical delineation of the relevant market;
 - (e) An estimate of petitioner's market share and any past or projected change in market share unless classification is being sought under 480-120-022 (8) or (9) in which case this requirement shall conclusively be deemed satisfied upon meeting the requirements of 480-120-022 (8) or (9);
 - (f) A description of ease of entry into the market unless classification is being sought under 480-120-022 (8) or (9) in which case this requirement shall conclusively be deemed satisfied upon meeting the requirements of 480-120-022 (8) or (9);
 - (g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not unless classification is being sought under 480-120-022 (8) or (9) in which case this requirement shall conclusively be deemed satisfied upon meeting the requirements of 480-120-022 (8) or (9);
 - (h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;
 - (i) The manner by which notice of price list changes will be provided to customers and the commission.

(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)

WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies.

- (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.
- (2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory

requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

~~(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.~~
(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)

WAC 480-120-025 Investigations.

~~(1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).~~

(2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the ~~telecommunications company~~ commission to demonstrate that the existing classification is improper and inconsistent with the public interest.

(3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)

WAC 480-120-026 Tariffs, Price Lists and Contracts.

~~Rate schedules, and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC - Utilities general - Tariffs.~~

Companies must file tariffs, Price Lists and contracts in accordance with chapter 480-80 WAC - Utilities general - Tariffs, Price Lists, and Contracts.

~~WAC 480-120-027 Price lists.~~

~~(1) Pursuant to RCW 80.36.310 telecommunications services classified by the commission as competitive will be offered under price lists. All services of competitive telecommunications companies as classified by the commission under RCW 80.36.310 will be offered under price lists.~~

~~(2) All price lists filed with the commission must describe the service being offered and all prices, charges, terms, and conditions pertaining thereto. Each page of every price list shall contain, in general, the company name, the page number, and the~~

~~effective date. All subsequent revisions of a price list shall bear consecutive revision numbers. Price lists must provide sufficient detail for customers and potential customers reasonably to determine what is being offered and what charges the customer incurs in obtaining the service.~~

~~(3) Contracts (including modifications to previously executed contracts) for services which are governed by this section may be offered subject to the requirements of this subsection.~~

~~(a) Contracts of companies classified "competitive" under RCW 80.36.310 shall be filed with the commission not later than five business days after execution. A contract filed pursuant to this subdivision will not be rejected by the commission in the absence of competent evidence that the contract is unlawful.~~

~~(b) Contracts which offer services classified as "competitive" under RCW 80.36.330 shall be filed with the commission at least ten days prior to the effective date. Such contracts may not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately and offered under an approved tariff or contract (see WAC 480-80-330). A contract filed pursuant to this subdivision may be rejected if the telecommunications company is unable to document that the price charged covered its relevant costs under either a long run incremental cost analysis or a fully distributed cost analysis whichever is lower, or any other commission-approved cost method. A contract filed pursuant to this subdivision may also be rejected upon a showing that it is otherwise unlawful. To meet its burden of proving that the contract is cost-based, the company shall, at a minimum, provide the following information at the time of filing:~~

~~(i) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge; and~~

~~(ii) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract.~~

~~(c) All contracts filed pursuant to this subsection shall be for a stated time period.~~

~~(d) Filings under this subsection may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.~~

~~(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section, is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply. Upon the acceptance of such a contract offer by the federal agency, the telecommunications company shall immediately file the contract with the commission and must include the same documentation otherwise required by this section.~~

~~(5) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide competitively classified service to a school, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscounted contract service depart from the price list. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program. The filing must include the same documentation required for approval by subsection (3)(b) of this section. The contract shall become effective immediately upon~~

filling with the commission, or at such later time as is specified in the contract.
Companies must file price lists in accordance with chapter 480-80 WAC – Utilities General – Tariffs, Price Lists, and Contracts.

WAC 480-120-031 Non-competitive companies – Accounting.

(12) Except as provided in this rule, ~~t~~For accounting purposes companies must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32, (47 CFR 32, or Part 32) effective October 1, 1991 1998, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington. A company wishing to use accounting methods not authorized in this rule for book and recording purposes must petition for, and receive, commission approval before implementing the change. This includes the adoption of any changes to the USOA made by the FCC after October 1, 1991, and includes the use of Generally Accepted Accounting Principles (GAAP) that are not adopted in the October 1, 1991, version of the USOA. The commission will ordinarily consider implementation of GAAP procedures on a case-by-case basis. Class B companies may use Class A accounting. Companies wishing to may adopt and implement changes to the USOA made by the FCC, without commission approval, after the October 1, 1998, must petition for and receive commission approval to the extent the effect on annual revenue requirements is less than 1% or \$1 million in revenues, whichever is less.

The accounting rules for book and recording purposes do not dictate intrastate ratemaking. Copies of Part 32 (effective October 1, 1991) are available for examination at the WUTC library.

(21) Telecommunications companies operating within this state shall be classed are classified by the Commission access lines as follows:

Class	Number of <u>Basic Exchange</u> <u>Access Lines as of</u> <u>December 31 of the Preceding</u> <u>Year</u>
A	<u>In Excess of 10,000 2% or more</u> <u>of state access lines</u>
B	<u>Less than 10,000 Less that 2%</u> <u>of state access lines</u>

For example:

Company X access lines as of 12/31/98 33,832

Divided by _____

Total state access lines as of 12/31/98 3,382,320

Equals company access lines as a percentage of total access lines. 1%

Therefore, company X is a Class B company.

Upon authorization by the commission, a company presently classified by the commission as a Class B company but desiring more detailed accounting may adopt the accounts prescribed for Class A companies. Class B companies authorized to adopt the accounts prescribed for Class A companies shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(3) ~~Jurisdictional differences. For Account 7910--Income effect of jurisdictional ratemaking differences--Net; Account 1500--Other jurisdictional assets--Net; Account 4370--Other jurisdictional liabilities and deferred credits--Net, and in a subaccount of Account 4550--Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission. The commission modifies Part 32 as follows for purposes of Washington intrastate reporting:~~

~~(a)-All local exchange telecommunications companies shall account as of January 1, 1988, for any embedded jurisdictional ratemaking differences by incorporating any previous jurisdictional differences side records accounts, and any other accounting directives made by the commission, into the appropriate jurisdictional differences account. Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington Utilities and Transportation Commission.~~

~~(b)-All companies shall keep subsidiary records as may be necessary to report readily the source of Washington intrastate local exchange network services revenues by residential and business class of service. Companies must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in 480-80-031(2). Companies must maintain subsidiary accounting records for:~~

- (i) Residential basic local exchange service revenues.
- (ii) Business basic local exchange service revenues.
- (iii) Intrastate A access revenues for each derived from universal service rate elements.
- (iv) Intrastate carrier common line access revenues.
- (iv) Intrastate S special access revenues.
- (vi) IntraLATA-Intrastate traffic sensitive switched access revenues for each rate element.
- (vi) InterLATA switched access revenues for each rate element.
- (vii) Inter-company settlements.

~~(c) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084--State access revenue, showing separately the following: Intrastate revenues from end users (subscriber line charges); special access revenues; interLATA and intraLATA switched access revenues, identified as revenue derived from the carrier common line and Universal Service Fund rate elements, and revenue derived from all other switched access rate elements; intercompany settlements; and other access revenues. Part 32 section 24, compensated absences, is supplemented as follows:~~

~~(i) Companies must record a liability and charge the appropriate expense accounts for sick leave in the year in which the sick leave is used by employees.~~

~~(ii) Companies must keep records for:~~

~~(A) compensated absences that are actually paid~~

~~(B) compensated absences that are deductible for federal income tax purposes.~~

~~(d) Any company filing with the FCC reports in compliance with the requirements of Part 32, Paragraph 32.25 of Subpart B, Unusual Items and Contingent Liabilities, relating to extraordinary items, prior period adjustments, or contingent liabilities shall file a copy of such report concurrently with this commission. Accounting for Federal Income Taxes. In addition to Part 32 section 22, companies must keep records using the flow-through tax accounting method to the extent permitted by federal tax regulations.~~

~~(i) Flow-through tax accounting and normalization tax accounting are terms used in utility regulation to explain how taxes are recorded by utility companies.~~

~~(A) Flow-through tax accounting passes the tax benefits or disadvantages of tax deduction or tax credit timing differences to the utility's telecommunications company's customers when they are incurred.~~

~~(B) Normalization tax accounting passes the tax benefits or disadvantages of tax deduction or tax credit timing differences to the telecommunications company's customers over the entire period during which such differences occur. to the utility.~~

~~(e) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the~~

net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

When the asset in question has never been used in the provision of utility service, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their fair market value or the present value of the minimum lease payments. Companies with multistate operations must keep accounting records that provide Washington results of operations. [The methods used to determine Washington results of operations must be acceptable to the commission.](#)

(f) ~~Unless specific exceptions are granted, or required, all companies shall keep records for ratemaking and/or booking purposes which flow-through tax benefits to the extent permitted by federal tax regulations. Any jurisdictional ratemaking differences, created by this rule, shall be reflected in accounts provided in Part 32 for jurisdictional differences, more specifically Accounts 1500, 4370, and 7910. See (g) and (k) of this subsection for further exceptions to this rule. Part 32 section 32.11(a) is replaced by section (1) above.~~

(g) ~~As to compensated absences and sick pay, if payment of nonvesting accumulated sick pay benefits depends on the future illness of an employee, companies shall not accrue a liability for such an expense for purposes of portraying results of operations until such sick pay is actually paid. In addition, if a company accrues expenses for compensated absences before such expenses are actually deductible for federal income tax purposes, then an exception to the flow-through accounting requirement in (f) of this subsection is required. In such a case, a normalized tax accounting treatment will be required. Part 32 section 32.11(d) and (e) are replaced by section (1) above.~~

(h) ~~No depreciation expense will be allowed for ratemaking purposes on amounts included in Account 2002--Property held for future telecommunications use. If a company records depreciation on amounts in this account, it shall record the jurisdictional difference in a separate subaccount of the designated jurisdictional differences accounts. The commission does not require Part 32 section 32.2000(b)(4).~~

(i) ~~Any property which has been used in the provision of utility service, when acquired from a nonaffiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.~~

(j) ~~Amounts booked to Account 2005--Telecommunications plant adjustment, shall be treated as nonoperating investment, and shall not be included in any rate base account without the expressed permission of the commission. Unless an alternate treatment has been authorized by the commission, any amortization taken on amounts in Account 2005 will be treated as though charged to Account 7360--Other~~

nonoperating income, or other non-operating accounts as required.

~~(k) If a company is allowed to convert to a GAAP accounting treatment of an item, or allowed other accounting changes which call for the accrual of expenses before such expenses are deductible for federal income tax purposes, an exception to the flow-through accounting requirement in (f) of this subsection is required. In such event, a normalized tax accounting treatment will be required.~~

~~(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I telecommunications companies. The annual report forms for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multistate operations shall report both total company and Washington results in their annual report. Companies may also be required to include certain supplemental information in the annual report, such as the status of all jurisdictional differences accounts and subaccounts for the period. This supplemental information will be described in the mailing of the annual reports, or in other sections of this rule (see subsections (7) and (9) of this section). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. The accounting rules adopted herein do not dictate intrastate ratemaking. Copies of Part 32 (effective October 1, 1998) are available for examination at the WUTC library.~~

~~(5) The total company results of operations reported by each telecommunications company in its annual report shall agree with the results of operations shown on its books and records.~~

~~(6) All telecommunications companies having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.~~

~~(7) All telecommunications companies having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission. In these supplemental reports, adjustments will be made to incorporate Washington intrastate amounts in the jurisdictional differences accounts.~~

~~(8)(a) If a company prepares an annual separations cost study and furnishes a copy thereof to the National Exchange Carrier Association, Inc., (NECA), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to NECA. Such copy shall be made available for such commission review within ten days after the later of:~~

- ~~(i) The date of the company's receipt of the commission's request therefor; or~~
- ~~(ii) The date on which NECA's copy of the study is furnished to NECA.~~

~~(b) If a company prepares an annual separations cost study and furnishes a copy thereof to the Federal Communications Commission (FCC), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to the FCC. Such copy shall be made available for such commission review within ten days after the later of:~~

~~(i) The date of the company's receipt of the commission's request therefor; or~~

~~(ii) The date on which FCC's copy of the study is furnished to the FCC.~~

~~(9) Each telecommunications company shall file with the commission periodic results of operations statements showing total Washington per books, restating adjustments to per books, total Washington per books restated, and Washington restated intrastate results of operations.~~

~~Class A companies shall file periodic results of operations statements quarterly. Each quarterly statement shall show monthly and twelve months ended data for each month of the quarter reported. Class B companies shall file periodic results of operations statements semiannually. Each semiannual statement shall show six months and twelve months ended data. For Class A companies, periodic results of operations statements shall be due ninety days after the close of the period being reported with the exception of the fourth quarter statement which shall be due no later than May 1 of the succeeding year. Class B companies shall file the June 30 ended and December 31 ended semiannual results of operations statements on October 1 and May 1 of each year, respectively.~~

~~The periodic results of operations statements shall be on a "commission basis" and restated for out-of-period items, nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses. By use of notes, an explanation of the restating adjustments shall accompany the results of operations statement.~~

~~"Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.~~

~~The telecommunications companies shall use the allocation factors from their most recent separations cost study to develop the Washington intrastate results of operations.~~

~~(10) This rule shall not supersede any reporting accounting requirements specified in a commission order, nor shall it be construed to limit the commission's ability to request additional information on a company specific basis as is deemed necessary.~~

~~(11) The annual budget of expenditures form for budgetary reporting for telecommunications companies will be published by this commission in accordance with chapter 480-140 WAC.~~

~~(12) The requirements of this section shall not apply to telecommunications companies classified by the commission as competitive, and subject to WAC 480-120-033.~~

~~(13) There shall be no departure from the foregoing except as specifically~~

authorized by the commission.

(5) Companies must keep accounts using generally accepted accounting principles (GAAP) or Part 32 guidelines. In addition, the accounts must allow for identification of jurisdictional revenues for Washington intrastate operations.

~~WAC 480-120-032 Accounting-- Political information and political education activities.~~

~~(1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.~~

~~(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.~~

~~(1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.~~

~~(2) Political information and political education activities include, but are not limited to:~~

~~(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.~~

~~(b) Soliciting support for political action committees.~~

~~(c) Gathering data for political mailing lists.~~

~~(d) Soliciting political contributions or recruiting political volunteers.~~

WAC 480-120-033 Accounting and reporting Reporting requirements for **competitive telecommunications companies.**

Competitive telecommunications companies shall, at a minimum, keep accounts according to generally accepted accounting principles and file annually, on a form prescribed by the commission, a certified consolidated financial statement which specifies revenues from intrastate operations. This annual report is due by May 1st of the succeeding year. Competitive telecommunications companies shall also make available, at the time and place the commission may designate, such accounting records as the commission may request. Such companies shall also keep on file at the commission current price lists and services standards. (1) The commission will distribute an annual report forms consistent with sections (2), (3), (4) and (5) of this rule and including a regulatory fee form. **The Each** company must complete both forms, file them at the commission, and pay its regulatory fee, no later than May 1 of each year.

(2) Class A telecommunications companies must provide the following information as

required on the annual report form:

- (a) ~~(a) provide total number of residential and business basic exchange access access lines as of December 31 of the year to which the annual report pertains as required on the annual report form;~~
 - (b) ~~provide, per the annual report form, balance sheet and income statement for total company;~~
 - (c) ~~(e) provide the results of operations for Washington and Washington intrastate; and~~
 - (d) ~~provide a map showing where it has deployed facilities, points of interconnection with other providers, markets currently served, geographic segments the company intends to serve and a current list of products and services offered; and~~
 - (d) ~~report all information delivery service and blocking service revenues as separate revenue items.~~
- (3) Class A Tier 1 telecommunications companies, as classified by the FCC, must file annual report forms promulgated by the FCC.
- (4) Class B telecommunications companies must file the following:
- (a) the reports required by RCW 80.04.530(2); and
 - (b) the total number of residential and business access lines, as of December 31 of the year to which the annual report pertains.

WAC — 480-120-036 Finance—Securities, affiliated interests, transfers of property.

~~A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an order granting permission by the commission in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.~~

~~A utility will not transfer any property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC.~~

(1) Before a public service company issues securities, it must file with the commission a statement in accordance with chapter 80.08 RCW and chapter 480-146 WAC.

(2) Before a public service company enters into an arrangement with an affiliated interest, it must file with the commission a verified copy of the contract or arrangement in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

(3) Before a public service company transfers property it must apply for, and obtain, commission approval in accordance with chapter 80.12 RCW and chapter 480-143 WAC.

WAC — 480-120-041 Availability of information.

Each utility shall make known to applicants for service, and to its subscribers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs and/or price lists) of the telecommunications company shall be made available to the public upon request and at any of its listed business offices. In addition, each telecommunications company shall publish in its directory a consumer information guide which details the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-120 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its subscribers or their representatives upon request.

(1) Each company must provide to its applicants for service and customers the information needed to obtain adequate and efficient service. At a minimum a company must:

(a) notify customers of its regular business hours, mailing address, a twenty-four-hour toll-free telephone number, and a twenty-four-hour emergency telephone number at least once a year.

(b) provide each new applicant for service with current rate information and a consumer brochure detailing the rights and responsibilities of a telecommunications customer. The brochure must include information adequately explaining:

(i) how customers may establish credit, required deposits, billing delinquent accounts;

(ii) when and how the company may discontinue service;

(iii) how customers may cancel service;

(iv) how customers may dispute a bill with the company; and

(v) how customers may seek assistance from the commission by informal or formal complaint.

(c) notify its customers annually how to obtain the consumer brochure and applicable rate information.

(2) A local exchange company must publish in the directory that it provides to its customers, a consumer information guide detailing the rights and responsibilities of a customer. The guide must describe the:

(a) process for establishing credit and determining the need and amount for deposits;

(b) procedure by which a bill becomes delinquent;

(c) steps that must be taken by the company to disconnect service; and

(d) right of the customer to pursue any dispute with the company;

(i) by procedures within the company; and

(ii) to the commission by informal or formal complaint.

(3) A company must make copies of the following information available to its

applicants for service and customers upon request:

(a) Chapter 480-120 WAC, telecommunications rules;

(b) the company's current rates; and

(c) the consumer brochure described in section (3) above.

(4) Upon request, a company must provide a customer a detailed accounting of the calls for which the customer has been billed.

(5) A company must provide the commission with a copy of each pamphlet, brochure, bill message and other information provided to customers.

(6) A company must make the following information available upon request:

(a) the name, address, and telephone number for the intraLATA and interLATA interexchange company to which the customer's account is currently prescribed;

(b) a minimum of one year account history reflecting changes of interexchange company, providing the name, address and telephone number for each interexchange company.

(7) When an applicant for service or customer contacts the company to select or change an interexchange company, the company must recommend that the customer contact the chosen interexchange company to confirm that an account is established and to ensure the customer receives the chosen rate plan.

WAC 480-120-042 Directory service.

(1) A ~~telephone directory shall~~ local exchange company, its affiliates or designee must ~~be regularly published~~ publish a directory as provided for in section (5) below for each exchange, listing the name, address (unless omission is requested), and telephone number of the ~~subscribers~~ customers who can be called in that exchange, except those ~~subscribers~~ customers who have a nonlisted or nonpublished telephone number.

(2) Any ~~subscriber~~ residential customer ~~to residential service~~ may request a dual name primary directory listing which contains, in addition to the ~~subscriber's~~ customer's surname, the customer's given names or initials (or combination thereof) ~~of the subscriber~~ and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the ~~subscriber~~ customer is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a ~~subscriber~~ customer pursuant to tariff provision shall must also reflect said dual name listing if requested by the ~~subscriber~~ customer.

(3) Each local exchange company shall must furnish a copy of any required directory to each of its ~~subscribers~~ customers in each exchange. If that directory does not ~~also~~ contain such listings for all ~~subscribers~~ customers who can be called toll-free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall must be furnished each ~~subscriber~~ customer upon request and without charge. ~~If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed no more than, its actual cost for the directory, plus freight, postage~~ actual costs of shipping, and \$0.50. If anyone requests additional directories of the one(s) provided for above, the company may charge no more than its actual cost for the directory, plus actual cost of shipping

and a reasonable handling fee.

(4) A local exchange company must publish in the directory that it provides to its customers, a consumer information guide detailing the rights and responsibilities of a customer. The guide must describe the:

(a) process for establishing credit and determining the need and amount for deposits;

(b) procedure by which a bill becomes delinquent;

(c) steps normally taken by the company to disconnect service for non-payment;

and

(d) right of the customer to pursue any dispute with the company:

(i) by procedures within the company; and

(ii) to the commission by informal or formal complaint.

(54) Each local exchange company that is providing service in an area covered by a directory published pursuant to this rule may, upon request, have an informational listing of its name and telephone number placed in each such directory. Each directory publisher may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between local exchange carriers companies.

(65) Normally, ~~Telephone directories shall will~~ be revised annually; otherwise they shall must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. ~~The revision of directories may at times be required necessary more often than specified to keep the directory~~ directories correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that:

(a) it is unnecessary to revise the directory within the specified time limit for good cause; and/or,

(b) due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept ~~in the case of dial exchanges~~.

(76) In the event of an error in the listed number of any ~~subscriber customer~~, the ~~subscriber's customer's~~ local exchange company shall 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, ~~providing that this~~ provided it is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another ~~subscriber customer~~. In the event of an error or omission in the name listing of a ~~subscriber customer~~, such ~~subscriber's customer's~~ correct name and telephone number shall must be maintained in the files of the directory assistance operator, and the correct number shall must be furnished to the calling party upon request.

(87) Whenever a ~~subscriber's customer's~~ telephone number is changed ~~for any reason~~ after a directory is published, the local exchange company shall must intercept all calls to the former number, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published, ~~and give~~ The company must provide the calling party the new number for that ~~subscriber customer~~

unless the ~~subscriber~~ customer has requested that such referral not be made. When a telephone number is changed at the customer's request, the customer should be required to pay for the intercept service for as long as the intercept service is in place.

~~(8) When additions or changes to plant or records are scheduled which will that necessitate a large group of number changes, a minimum of six months' notice shall must be given to all subscribers customers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory~~

WAC 480-120-045 Local calling areas.

(1) The commission may expand local calling areas only under the most exceptional circumstances. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

(2) In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from the following community services:

- (a) ~~C~~community medical facilities;
- (b) police and fire departments;
- (c) city or town government;
- (d) elementary and secondary schools;
- (e) libraries; and
- (f) a commercial center.

~~In evaluating such requests,~~ The commission will consider the overall community of interest of the entire exchange, and may consider other pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

(3) Requests for expanded local calling areas shall must be made pursuant to RCW 80.04.110 (the commission's complaint statute).

WAC 480-120-046 Service offered.

(1) Classes of service - each ~~utility~~ company shall must file with the commission, as a part of its tariff or price list, a comprehensive description ~~regulations enumerating and comprehensively defining~~ of the classes and types of service available to subscribers customers. The classes of service are: ~~B~~business and ~~residence~~ residential.

(2) Types of service. Local exchange companies must offer, at a minimum flat-rate basic local exchange service. They may offer service alternatives, such as measured service. ~~in general the principal types of service offered shall be flat rate, message rate and semipublic.~~

(3) Grades of service. Local exchange companies must offer ~~only~~ one-party service. ~~in general the principal grades of service shall be individual, two-party, four-party, suburban and farmer line service. In general, individual, two-party and four-party service shall be available within the base rate area and suburban service provided in~~

~~suburban areas outside the base rate area of the utility.~~

~~Within the base rate area, no utility shall place more than four subscribers on any local exchange line, except upon approval by the commission.~~

~~On rural lines where suburban service is provided, no more than 10 subscribers shall be connected to any one suburban service line and an effort should be made to reduce the number of subscribers on suburban service lines to 4. The utility may regroup stations as may be necessary to carry out the provisions of this rule.~~

~~No utility shall connect more subscribers to any one line than the number specified for the particular grade of service.~~

~~(4) Credit cards—no telephone utility shall issue a telephone credit card or telephone calling card to any person, firm or corporation unless such a person, firm or corporation is:~~

~~(a) A bona fide subscriber to the utility's exchange service, or~~

~~(b) A nonsubscriber to the utility's exchange service whose principal location is in the utility's exchange area and who is not a subscriber to any other utility's exchange service, or~~

~~(c) A nonsubscriber to the utility's exchange service where issuance has been authorized in writing by the commission through its secretary upon a showing in writing by the telephone utility that such issuance is reasonably required and is in the public interest.~~

~~When a telephone utility discovers that the foregoing conditions shall have ceased to exist, with respect to any credit card or calling card holder, it shall inform such holder that said credit card or calling card is void and that the same must be surrendered or destroyed.~~

WAC 480-120-051 Availability of service--Application for and installation of service.

~~(1) Application for service may be made orally verbally, electronically, or in writing. However, a utility company may require anyone desiring service to make an application in writing on forms prescribed by the utility company and in accordance with its filed tariff(s) or price list(s). An application for service shall clearly must state clearly the character of service for which application is being made. Application for service shall be deemed to be is an expression of the applicant's for service willingness to conform to such effective the tariff, price list, or both rules and regulations as are on file with the commission.~~

~~(2) Upon receipt of an application for service, a A utility company shall endeavor to shall determine if facilities and rights-of-way are available and if they are available must tell an applicant for service the provide a specific date upon which when service will be provided. A company must accept and process applications when received except when the customer fails to comply with WAC 480-80-061. If prior to any agreed upon date it becomes apparent that service cannot be supplied as agreed when stated, the utility shall company must promptly notify the applicant for service promptly, prior to the agreed upon committed date, that there will be a delay in completing the application and state the reason(s) therefor for the delay.~~

~~(4) If requested by the applicant or subscriber, each local exchange company shall make appointments for the on-premises When installation of new service orders requires on-premise access by the company. These the appointments shall must specify the approximate time of day of the on-premises installation within a four-hour period.~~

(3) Each utility company shall must maintain a record in writing, or in electronic format, of each application for service, including requests for a change of one grade of service to another, until such applications are acted upon and any commitment for service met each order is completed. In situations where the utility is unable to make a commitment to provide the service applied for by a given date, the utility shall periodically examine its files to advise applicants of the status of their applications. Applicants for primary or exchange access primary station service for which no commitment date has been is provided shall must be advised of the status of their applications at least once each three months. Applicants for other types of service, or a change of one grade of service to another, for which no commitment date has been provided shall be advised of the status of their applications at least once each six months.

(5) Each local exchange company shall must complete applications orders for installation of primary exchange primary local exchange service access lines as follows:

(1a) As measured on a calendar monthly basis, ~~n~~Ninety-five percent of a local exchange company's applications orders for installation of up to five residence or business primary exchange access lines in any exchange shall must be completed within five business days after the date of receipt of the applications when all tariff or price list requirements have been met by the applicant for service or subscriber customer. In those instances where a later installation date is requested by the applicant or subscriber or where special equipment or service is involved, this time period does not apply.

~~(2b) Ninety-nine percent of all applications orders for installation of primary exchange access lines in any exchange shall must be completed within ninety days after the date of receipt of the applications when all tariff or price list requirements have been met by the applicant for service or subscriber.~~

~~(c) One hundred percent of all orders for installation of exchange access lines in any exchange must be completed within one hundred eighty days of the application when all tariff or price list requirements have been met by the applicant for service.~~

~~(d) The five-, ninety-, and one hundred eighty-day timelines do not apply When a later installation date is requested by the applicant for service, when customer-provided special equipment is involved, or for access lines in excess of the first five two primary lines installed pursuant to the customer service order, this timeline does not apply.~~

WAC 480-120-052 Prepaid calling services. (1) Prepaid calling services - Defined.

(a) Prepaid calling services (PPCS) means any transaction in which a consumer customer pays for service prior to use and the prepaid account is depleted as a

~~consumer~~ customer uses the service. However, prepaid service does not refer to service using a pay telephone which requires deposit of coins or a credit or other calling card prior to making a call. ~~Prepaid calling services PPCS~~ may require the use of an access number and/or authorization code. The transaction often includes an object the size of a credit card which that displays relevant information about the service. These objects are defined as prepaid calling cards.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-138.

(i) Credit cards: Cards ~~that can be~~ are used to make ~~consumer~~ customer purchases ~~utilizing~~ using preapproved bank credit (e.g., Visa, MasterCard). ~~Consumers~~ Customers using ~~utilizing such~~ cards to complete pay telephone calls are charged the applicable ~~tariffed~~ coin operator rates on file with the commission for pay phone provider service at that location.

(ii) Cash equivalent cards: ~~Are cards that may either be purchased for exclusive use at card reader pay telephones, or~~ The cards may also be used both for consumer ~~customer~~ customer purchases, ~~and use at card reader pay telephones.~~ Cash equivalent cards are not purchased for the exclusive use through an individual telecommunications provider. ~~Consumers utilizing such~~ Customers using cash equivalent cards to complete pay telephone calls are charged the applicable ~~tariffed~~ coin operator rates on file with the commission for pay phone provider service at that location.

(2) Business office requirements for providers of ~~prepaid calling services PPCS.~~ A company offering ~~prepaid calling services PPCS~~ must provide ~~consumers~~ customers a ~~without charge telephone~~ toll-free number staffed by live personnel during regular business hours. The personnel must be ~~sufficient~~ able to respond to all service-related inquires and must be capable of answering general account related questions. The ~~without charge number~~ toll-free business office number may be the same as the technical assistance number required in ~~subsection (3) of this section below.~~

(3) Technical assistance requirements when providing ~~prepaid calling services PPCS.~~ A company offering ~~prepaid calling services PPCS~~ must provide ~~consumers~~ customers a ~~without charge~~ toll-free number staffed by live personnel twenty-four hours a day, seven days a week. The personnel must be ~~sufficient~~ able to respond to all inquires and must be capable of assisting ~~consumers~~ customers with technical problems or questions related to their service. The ~~without charge~~ toll-free number for technical assistance may be the same as the business office number required in ~~subsection (2) of this section above~~ as long as the number is staffed twenty-four hours a day.

(4) Billing requirements for ~~prepaid calling services PPCS.~~

(a) Billing increments must be defined in the company's price list, or tariff, and presale document. If a company uses an increment based on a time measurement, the increments must not exceed one minute. If the company bills usage in "unit" measurements, units must clearly be defined using both equivalent dollar amounts and time measurement. Unit billing increments ~~can not~~ cannot exceed the equivalent one minute rate.

(b) Service may be rated only for the actual time a circuit is open ~~that allows~~ and

allowing for conversation. Conversation time of less than a full billing increment shall must not be rounded up beyond that full increment.

(c) Companies may not reduce the value of a PPCS account by more than the charges specified on the:

(a) prepaid calling card;

(b) prepaid calling card packaging;

(c) visible display at the point of sale;

(d) rates specified in the presale document; or

(e) the rate authorized by the commission at the time of purchase the account or card is recharged.

The PPCS may, however, be recharged by the ~~consumer~~ customer at a rate different from that specified in the initial presale agreement or the last recharge information so long as the rates and surcharges conform with the company's tariff or price list at the time of purchase. The ~~consumer~~ customer must be informed of the new rates at the time of recharge.

(d) Companies providing ~~prepaid calling services~~ PPCS must be capable of providing ~~consumers~~ the customer, upon request, call detail reports at no charge.

(i) Companies may establish verification procedures to confirm the person requesting the call detail was the actual user of the service.

(ii) Call detail reports may be provided ~~orally~~ verbally to a ~~consumer~~ customer.

The company will only be required to provide a written call detail report at no charge if the user requests the information in writing.

(e) Companies providing ~~prepaid calling services~~ PPCS must maintain call data for a minimum of ~~thirty~~ twenty-four months. The data must include the following:

(i) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(ii) The number of the originating phone when the information is passed to the prepaid calling provider;

(iii) The date and time the call was originated;

(iv) The duration or termination time of the call;

(v) The called number; and

(vi) The personal identification number (PIN) ~~and/or~~ account number, or both.

(5) Written disclosure requirements for prepaid calling services - Prepaid calling cards.

(a) Information required on prepaid calling cards. At a minimum the cards must contain the following information:

(i) The company's name as registered with the commission. A "doing business as" name may ~~only~~ be used only if officially filed with the commission. The language must clearly indicate that the company is providing ~~the~~ prepaid telecommunication services.

(ii) The toll-free or without-charge number to reach the company's business office;

(iii) The toll-free or without-charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without-charge number used to access the

company's service, if applicable;

(v) Authorization code, if required to access the service or, if applicable, the toll-free number user is required to call to establish access capability;

(vi) Expiration date, if applicable. If a card expires after a set period of time from activation, (e.g., ninety days after first use) the company must place a general statement on the card outlining this expiration policy. If an expiration date or expiration policy is not disclosed on the card, it will be considered live indefinitely; and

(vii) Cards must be voided or otherwise physically marked if they were produced as a "nonlive" card so that it is clear to the user that the card is only a sample and is not active. If the card is not disclosed as a nonoperative card, the card is considered live and the issuing company must honor it.

(b) Prepaid calling card - Presale or point of sale documents. The following information must be legibly printed on the card, packaging, or ~~display visible~~ displayed visibly in a prominent area at the point of sale of the prepaid calling card in such a manner that the ~~consumer~~ customer may make an informed decision prior to purchase. If the information below is to be ~~provided on a visible~~ displayed at the point of sale, the company must ensure by contract with its retailers or distributors that the information is provided to the ~~consumer~~ customer:

(i) Maximum charge per billing increment for prepaid calling card service. If a company charges varying rates for intrastate and interstate calls, all applicable rates must be provided. The rates displayed must be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(ii) Approved charges for all services, and surcharges, fees, and taxes, if applicable, and the method of application;

(iii) Expiration policy, if applicable. If an expiration date is not disclosed, the service will be considered live until the prepaid balance is depleted;

(iv) Recharge policy, if applicable. If an expiration date is not disclosed at the time service is recharged, the service will be considered live indefinitely; ~~and,~~

(6) Written disclosure requirement for prepaid calling service - Other than prepaid calling cards. Presale agreement. The following information shall must be provided in a presale document to an applicant for service prior to ~~consumer~~ customer prepayment and initiation of service:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without-charge number to reach the company's business office;

(iii) The toll-free or without-charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without-charge number used to access the company's network, if applicable;

(v) Authorization code, if required to access the service;

(vi) Maximum charge per billing increment for ~~prepaid calling service~~ PPCS. If a company charges varying rates for intrastate and interstate calls, all applicable rates must be provided. The rates displayed shall must be no more than those approved in

the tariff or price list of the company at the time of retail purchase;

(vii) Approved charges for all services, and surcharges, fees, and taxes if applicable, and the method of application;

(viii) Expiration date, if applicable;

(ix) Recharge policy, if applicable.

(7) Verbal disclosure requirements for ~~prepaid calling services~~ PPCS.

(a) Companies offering ~~prepaid calling service~~ PPCS must:

(i) Provide an announcement at the beginning of each call indicating the time remaining on the prepaid account or prepaid calling card;

(ii) Provide an announcement when the prepaid account or prepaid calling card balance is about to be depleted. This announcement must be made at least one minute prior to depletion;

(iii) When requested by a Washington state ~~consumer~~ customer, the company's business office and technical assistance office must provide the ~~consumer~~ customer the number for the Washington utilities and transportation commission consumer services line; and

(iv) Company supervisory personnel must provide dissatisfied applicants ~~for service or subscribers~~ customers the commission's toll-free number and address in ~~conformance~~ conforming with WAC 480-120-101.

(8) Requirements for refund of unused balances.

(a) When a company has failed to provide service at rates provided in presale documentation or quoted at the time an account is recharged, or ~~that~~ the company has failed to meet technical standards, companies offering ~~prepaid calling services~~ PPCS must provide refunds for any unused service or provide equivalent credit in services offered when requested by a customer. Refunds must equal the value remaining on the prepaid calling account or prepaid card. The customer is allowed to choose either the refund or equivalent service option.

(b) Refund requests received from ~~consumers~~ customers for reasons other than improper rates or failure to meet technical standards may be made at the sole discretion of and in a form prescribed by the company.

(9) Performance standards for ~~prepaid calling services~~ PPCS. Each company shall must ensure that:

(a) A minimum of ninety-eight percent of all call attempts are completed to the called party's number. Station busies and unanswered calls will be considered completed calls.

(b) A minimum of ninety-eight percent of all call attempts are completed to a company's business office number. Station busies and unanswered calls will not be counted as completed calls.

(c) A minimum of ninety-eight percent of all call attempts are completed to the company's technical assistance number. Station busies and unanswered calls will not be counted as completed calls.

(10) Requirements when a company ceases operations in the state of Washington. When a company ceases operations in the state, the company must:

(a) Provide the commission with thirty days advance notice in writing.

(b) At least twenty-one days before termination, provide written notice to

customers at the address on file with the company, if applicable, indicating that service will be ending, and explain how customers may receive a refund on any unused service.

(c) Beginning at least fifteen days before termination, provide ~~oral~~ verbal notice of termination at the beginning of each call originated in Washington, including the date of termination and a number to call for more information.

(d) Provide information to ~~consumers~~ customers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days from the date company ceases operations.

(e) Within twenty-four hours after ceasing operations, provide the commission and the company's bonding agent a list of all account numbers with unused balances. The list must include the following:

(i) The identification number used by the company on each account for ~~billing/debit~~ billing or debit purposes;

(ii) The unused portion of any prepaid monthly fee on each account;

(iii) The unused time, stated in units or minutes as applicable on each account and the equivalent dollar amount.

(11) Compliance requirements for ~~prepaid calling services~~ PPCS.

(a) Printed materials including prepaid calling cards, presale documents, and point of sale documents.

(i) All materials printed ninety days after the effective date of the rule must comply with provisions of this rule;

(ii) All printed materials in circulation must comply with this rule within nine months of the effective date of this rule.

(b) Rules requirements - excluding printed material. Companies providing ~~prepaid calling services~~ PPCS within the state of Washington must be in compliance with this rule within ninety days of the effective date of this rule.

(12) Other regulatory requirements. Companies providing ~~prepaid calling services~~ PPCS must comply with all other laws and commission rules relating to provision of telecommunications services unless the company has filed for and received waiver from the commission.

(13) Penalties for provision of service by an unregistered telecommunications company. ~~When a penalty is imposed upon~~ Upon finding that an unregistered company has provided ~~prepaid calling services~~ PPCS within the state of Washington, the commission may assess penalties of up to one hundred dollars per day per violation under RCW 80.04.405 and/or up to one thousand dollars per day per violation under RCW 80.04.380, or both.

~~WAC 480-120-056 Establishment of credit.~~

~~(1) Establishment of credit - nonresidential. An applicant for or subscriber of nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.~~

~~(2) Establishment of credit for residential - interexchange telecommunications company services. An applicant for or subscriber of interexchange telecommunications~~

~~services may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.~~

~~(3) Establishment of credit for residential – local exchange telecommunications company services. An applicant for or subscriber of local exchange service may demonstrate satisfactory credit by demonstrating any one of the following, provided the applicant or subscriber is not subject to a deposit requirement under subsection (4)(b) of this section, and the information can be confirmed easily and quickly by the company:~~

~~(a) Prior residential service with the telecommunications company in question during the previous twelve months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer during the six-month period. Unless, the telecommunications company has determined that realignment of the customer's bill due date as provided for in WAC 480-120-106 would have negated the need for notices.~~

~~(b) Prior residential service with any telecommunications company with a satisfactory payment record as demonstrated in (a) of this subsection and the applicant provides the necessary information to substantiate the assertion. The applicant may either provide verification via a letter from their previous telecommunications company or have their previous telecommunications company provide the verification of credit.~~

~~(c) Consecutive employment during the entire twelve months next previous to application, with no more than two employers, and the applicant is currently employed. The applicant or subscriber must provide a work telephone number to enable the telecommunications company to verify employment.~~

~~(d) Stable monthly income during the entire twelve months next previous to application for service, and the applicant or subscriber is continuing to receive such income. The applicant or subscriber must provide a telephone number of the income provider which can confirm the information.~~

~~(e) Applicant owns or is purchasing the residence to be served. The applicant must provide a parcel number or another means whereby the telecommunications company can confirm the information.~~

~~Upon request, telecommunications companies within the state of Washington must provide applicants or subscribers confirmation of their payment history for the previous twelve-month period. Written confirmation may be provided to either the consumer or directly to the telecommunications company of which service is requested. Verbal confirmation must be provided directly to the telecommunications company of which service is requested. The criteria used for the confirmation must be the same as provided for in (a) of this subsection. The confirmation must be provided on the same or following business day of the request.~~

~~The information provided by the applicant or subscriber to establish credit shall be used only for purposes of establishing credit worthiness. Information shall not be provided to any person or telecommunications company for purposes other than to establish credit worthiness as provided for in (a) of this subsection.~~

~~(4) Deposit requirements. An applicant or subscriber may be required to pay a deposit under the following circumstances:~~

~~(a) When an applicant or subscriber is unable to establish credit as defined above.~~

~~(b) When a subscriber is initially provided service without a deposit on the basis of information supplied to the telecommunications company by the subscriber which is incorrect and the subscriber otherwise would have been required to make a deposit.~~

~~(c) In any event, a deposit may be required when within the last twelve months prior to application, the applicant's or subscriber's service of a similar type has been disconnected for failure to pay amounts owing, when due; or where applicant has an unpaid, overdue balance owing for the same class of service from the telecommunications company to which application is being made, or any other telecommunications company.~~

~~(d) When a subscriber has incurred excessive toll charges as defined in subsection (5) of this section.~~

~~(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.~~

~~(5) Amount of deposit.~~

~~(a) In instances where a deposit may be required by the telecommunications company, the deposit shall not exceed:~~

~~(i) For nonresidential service, two twelfths of estimated annual billings;~~

~~(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service or two months estimated usage for applicants or subscribers without previous verifiable service. Customary utilization is calculated using charges for the previous three months service.~~

~~(b) Subscribers whose toll charges exceed thirty dollars, or whose toll charges exceed customary utilization over the previous six months by twenty dollars or by twenty percent, whichever is greater, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:~~

~~(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the telecommunications company between the time of notice and of payment.~~

~~(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon two months customary utilization.~~

~~(c) If the notice herein described is mailed, receipt may be presumed upon the fourth business day following date of mailing.~~

~~(d) At the time application is made for service, the telecommunications company may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required if the toll is incurred~~

by a telecommunications company authorized by the commission to collect deposits and advanced payments; a deposit or additional deposit may be required, or service may be disconnected.

~~(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.~~

~~(7) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.~~

~~(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9) of this section, alternative to deposit, of this section.~~

~~(9) Alternative to deposit. A residential subscriber or applicant for residential service who is unable to establish credit as provided above and is required to make a deposit, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to:~~

~~(a) Furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required until satisfactory credit is established. The company may require that the guarantor reside in the state of Washington and currently have service with the telecommunications company requesting the deposit.~~

~~(b) Where technically feasible, accept a toll restricted access line in lieu of payment of the deposit until satisfactory credit is established as provided for above, or until a deposit is received. A toll restricted line shall provide access to emergency service, such as 911.~~

~~(10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.~~

~~(11) Refund of deposit or removal of toll restriction. Deposits shall be refunded or toll restriction converted to unrestricted service under the following circumstances:~~

~~(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service in a prompt and satisfactory manner as evidenced by the following:~~

~~(i) The telecommunications company has not initiated disconnection proceedings against the subscriber.~~

~~(ii) No more than two notices of delinquency have been made to the subscriber~~

by the telecommunications company within the previous twelve-month period.

~~(b) Termination of service. Upon termination of service, the telecommunications company shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the telecommunications company by the subscriber for service rendered on the telephone account for which the deposit was collected.~~

~~(c) Refunds – how made. Any deposit, plus accrued interest, may be applied to the subscriber's telephone account for service in the 13th and, if appropriate, subsequent months once satisfactory credit is established. Upon subscriber request, the refund shall be made in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above.~~

~~(12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this section.~~

~~(1) Deposit criteria for residential applicants for service and customers – Local exchange company services. A local exchange company may not collect a security deposit from an applicant for service or customer who can demonstrate satisfactory credit. Satisfactory credit means that the applicant for service or customer has had service with the company within the prior twelve months during which:~~

~~(a) the applicant for service or customer received no more than **three two** delinquency notices, or~~

~~(b) the applicant's for service or customer's service of a similar class was not disconnected for nonpayment.~~

~~(2) The company may not collect a deposit from an applicant for service who:~~

~~(a) can demonstrate established credit as provided for in section (1) with another company offering the same class of service. Upon request, companies within the state of Washington must provide applicants for service or customers confirmation of their payment history for the previous twelve-month period. Written confirmation may be provided to either the customer or directly to the company from which service is requested. Verbal confirmation must be provided directly to the company from which service is requested. The criteria used for the confirmation must be the same as provided for in section (1)(a) above;~~

~~(b) can demonstrate full-time consecutive employment during the prior twelve months with no more than two employers, and the applicant for service is currently employed or has a regular source of income; or (b) can demonstrate previous service payment records and/or~~

~~(c) owns or is purchasing the premises to be served. The applicant for service must provide a legal description or other means whereby the company can confirm the information. (c) receive an acceptable credit worthiness rating.~~

~~(3) A local exchange company having authority under its tariff or price list may collect a deposit from an applicant for service or customer when:~~

~~(a) there is a prior customer living at the residence who owes a past due bill to the company from the same address; or~~

~~(b) the applicant for service or customer has an unpaid, overdue balance owing to a company for **the same** a similar class of service.~~

~~(4) Deposit criteria for residential applicants for service and customers— interexchange services. An Local exchange and interexchange companies having authority to collect deposits under its tariff or price list, may require a residential applicant for service or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.~~

~~(5) Deposit criteria for nonresidential applicants for service or customers— Local exchange service and interexchange services. A company that has authority under its tariff or price list may require business applicants for service or customers to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.~~

~~(6) Required deposit amounts for an applicant for service or customer may not exceed:~~

~~(a) for nonresidential service, two-twelfths of estimated annual billings.~~

~~(b) for residential service, two months customary use for applicants for service or customers with previous verifiable service or two months estimated usage for applicants for service or customers without previous verifiable service. Customary use is calculated using charges for the previous three two months service.~~

~~(i) Customers whose toll charges exceed thirty dollars, or whose toll charges exceed customary use over the previous six months by twenty dollars or twenty percent, whichever is greater, determined to be a high toll risk, based on credit history, may be required, upon written or verbal notice to the customer, to make payment of either of the following in the customer's election, before the close of the next business day following receipt of the notice:~~

~~(A) full payment of the outstanding toll charges specified in the notice; or all toll charges accrued to the time of payment providing the customer has been notified of liability for toll charges in addition to those charges specified in the notice that come to the attention of the company between the time of notice and payment; or,~~

~~(B) payment of a new or additional deposit in light of the customer's actual use based on two months' customary use.~~

~~(7) Deposit payment arrangements. When an applicant for service or customer is required to pay a deposit but is unable to pay the entire amount in advance of connection or continuation of service, the company must allow the applicant for service or customer to pay:~~

~~(a) Basic local exchange service (dial tone). Fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months.~~

~~(i) Ancillary local exchange services. A company is not required to allow extended payment on ancillary local exchange services (e.g. custom calling services, caller i.d.). A company may require an applicant for service or customer to pay a deposit equal to two months charges prior to providing or continuing ancillary services.~~

~~(b) Interexchange services. Fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months.~~

~~(8) Alternative to deposit. A residential applicant for service or customer who is unable to establish credit or required to pay a deposit as provided above, must be~~

allowed, as an alternative to paying a deposit, to:

(a) furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit that may be required until satisfactory credit is established. The company may require that the guarantor reside in the state of Washington and currently have service with the company requesting the deposit.

(b) where technically feasible, accept a toll restricted access line in lieu of payment of the deposit until satisfactory credit is established as provided for above, or until a deposit is received.

(i) a toll restricted line must provide access to 911.

(ii) toll restriction must be provided at no charge when provided as an alternative to payment of a deposit.

(9) Transfer of deposit. When a customer moves to a new address within the company's service territory, the deposit, plus accrued interest must be transferred or refunded, less outstanding past due balance owing from the previous address.

(10) Requests for new or additional deposit on existing accounts. When requesting a deposit or additional deposit amount after establishment of service, the reasons must be specified in writing to the customer. A request for a deposit or additional deposit amount must comply with the standards outlined in this rule. If the previous deposit amount was secured through a guarantor, the company may not hold the guarantor responsible for the additional deposit amount without first securing a revised agreement.

(11) Deposit payment date. A deposit or additional deposit amount requested, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside the state of Washington. If the company delivers the notice in person to the customer, the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

(12) Interest on deposits must accrue at a rate based upon a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest will be computed from the time of deposit to the time of refund or total application of the deposit and will be compounded annually.

(13) Refund of deposit. Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment is established when the customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) the company has not disconnected service for nonpayment; and

(ii) the company has sent no more than ~~three~~ two delinquency notices to the customer.

(b) Termination of service. Upon termination of service, the company must return to the customer the deposit amount plus accrued interest, less any amounts due

the company from the customer for service rendered on the telephone account for which the deposit was collected.

(c) Change in service provider. Customers may request a refund of the monies being held to secure accounts when they transfer a portion or all of their service to a company that is not authorized by the commission to collect deposits.

(14) How deposits are rRefunded of Deposits. Deposits plus accrued interest must be refunded to the customer within fifteen calendar days following completion of twelve months satisfactory payment or fifteen days from the termination date. The refund must be in the form of a check and mailed to the customer or, if the customer requests:

(a) make available to the customer at the company's listed business office; or
(b) applied to the customer's account for service beginning in the thirteenth month. Any deposit, plus accrued interest, may be applied to the customer's telephone account for service in the 13th and, if appropriate, subsequent months once satisfactory credit is established.

WAC—480-120-057 Deposit or security--Interexchange telecommunications companies resellers.

(1) Establishment of credit--interexchange telecommunications company. An interexchange telecommunications company reseller may establish credit by demonstrating to the utility any one meeting the requirements of the following subdivisions (a) or (b) of this subsection, subject to and including the provisions of subsection (4) of this section below:

(a) Corporate debt rating. The interexchange telecommunications company reseller or, if the interexchange telecommunications company reseller is unable to comply with this provision, its parent or affiliated company, has undertaken to guarantee the payment of all charges incurred by the subscribing interexchange telecommunications company reseller, has a Standard and Poor's corporate debt rating, according to Standard and Poor's of BBB or higher, or according to a Moody's corporate debt rating of Baa or higher, with respect to any outstanding general debt obligation; or

(b) When the interexchange telecommunications company reseller has demonstrated to the utility company, through the bimonthly provision of certified financial statements, the following financial criteria:

(i) A positive cash flow from total company operations over the past twelve months.

(ii) A minimum level of net worth at least equivalent to the deposit which that would otherwise be required.

(iii) A current ratio (current assets to current liabilities) of 1.1 to 1 or a debt to equity ratio of 1.8 to 1.

(iv) A minimum accounts receivable turnover ratio (annual sales divided by average accounts receivable) of four over the last prior twelve months.

(2) Deposit or security requirements. A deposit or security shall be required from an interexchange telecommunications company under the following circumstances:

~~(a) When the interexchange telecommunications company has failed to establish credit as outlined above.~~

~~(b)(i) In any event, a deposit or security shall be required when within the twelve months prior to the application, the interexchange telecommunications company's service has been disconnected for failure to pay amounts owing, when due; when the interexchange telecommunications company has an unpaid balance owing for service from the utility to which application is being made or any other telecommunications company; or when two or more delinquency notices have been served upon the interexchange telecommunications company by any telecommunications company during the twelve months previous to the application for service.~~

~~(ii) No delinquency notice based upon any bill or charge which is in dispute, whether prior to or subsequent to the effective date of this rule, shall be considered grounds from requiring a deposit or security.~~

~~(c) When an interexchange telecommunications company:~~

~~(i) Is initially provided service without a deposit or security on the basis of credit information supplied to the utility which is incorrect or cannot be verified by the utility and the interexchange telecommunications company would have otherwise been required to make a deposit or security; or~~

~~(ii) Has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or~~

~~(iii) Has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service.~~

~~(d) Any new or additional deposit or security required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.~~ Deposits or security requirements are required from a reseller when:

(a) Within twelve months prior to the application the reseller's service is disconnected for failure to pay:

(i) amounts owing, when due; or

(ii) the reseller has an unpaid balance for service owing to the company from which the application is made; or

(iii) two or more delinquency notices are served upon the reseller by any company during the twelve months prior to the application for service; or

(iv) no delinquency notice based upon any bill or charge that is in dispute, whether prior to or subsequent to the effective date of this rule, will be considered grounds for requiring a deposit or security.

(b) A reseller is initially provided service without a deposit or security on the basis of credit information supplied to the company that is incorrect or cannot be verified by the company and the reseller otherwise would have been required to make a deposit or security; or

(c) A reseller has on two or more occasions in the previous twelve months tendered payment of due amounts with checks that have been dishonored; or

(d) Any new or additional deposit or security required under authority of these

~~rules, except as elsewhere provided in these rules, is due and payable on the sixth business day after written notice of the deposit requirements is mailed to the customer; or if personal service is elected, by 5:00 p.m. of the first business day following notification.~~

~~(3) Types of deposit or security. Deposits or security may consist of cash, letters of credit, or surety bonds, or any combination thereof.~~

~~(4) Amount of deposit or security.~~

~~(a) When a deposit or security shall be is required by the utility company, the deposit or security shall must be equal to two months' of estimated billings. If past service has been provided within the last twelve months, the estimated billing shall must be calculated based upon the average monthly billings over the past most recent three months. Such a calculation is subject to revision based upon changes in the average of the past months' billings.~~

~~(b) Interexchange telecommunications companies Resellers whose billings exceed the estimated amount by ten percent shall may be required to make, upon written or verbal notice to the interexchange telecommunications company, to make payment of either of the following at the interexchange telecommunications company's reseller's election, before the close of the next business day following receipt of the notice:~~

~~(i) Full payment of the charges specified in said the notice; or all charges accrued to the time of payment providing provided the interexchange telecommunications company reseller has been notified that it is liable for charges in addition to those charges specified in the notice.; or,~~

~~(ii) Payment of a new or additional deposit or security in light of the interexchange telecommunications company's reseller's actual use based upon an estimated two months' billing.~~

~~(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following the mailing date of mailing.~~

~~(5) Application of deposit or security. When an account of an interexchange telecommunications company reseller is delinquent, the deposit or security may be applied by the utility company toward satisfaction of the past due amount before disconnection is effected. Written notice of such the application shall must be promptly furnished promptly to the interexchange telecommunications company reseller. If an amount of security or deposit or security is applied toward satisfaction of any past due amount, the utility shall company may require an additional deposit or security in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit or security. Application of a deposit or security as provided for herein shall will not prevent disconnection of service for failure by the interexchange telecommunications company reseller to pay any past due amounts which may remain outstanding. However, the utility company may not disconnect service or apply security or deposit on amounts that are in dispute.~~

~~(6) Interest on deposits. Interest on deposits shall must conform to be in conformance with the guidelines set forth in WAC 480-120-056(712).~~

~~(7) Refund of deposit or security. Deposits or security shall must be refunded under the following circumstances and in the following form:~~

~~(a) Establishment of credit.—Any deposit or security shall must be refunded made whenever the interexchange telecommunications company reseller has established credit as outlined in subsection section (1)(a) or (b) of this section above.~~

~~(b) Termination of service.—Upon termination of service, the utility shall company must return to the interexchange telecommunications company reseller the security or the amount then on deposit plus accrued interest, less any amounts due the utility company by the interexchange telecommunications company reseller for service rendered.~~

~~(8) Should if a larger or new deposit or security be is required, the company must specify its reasons therefor shall be specified in writing to the interexchange telecommunications company reseller.—Any requirement for a new or larger deposit or security shall be in must conformity with to the standards set forth in this rule.~~

~~(9) Alternative to deposit or security.—An interexchange telecommunications company which reseller that does not satisfy the criteria in subsection section (1) of this section may choose to pay for services in advance, in which case the requirement for deposit or security will not apply.~~

~~(a) Prepayment amount.—An interexchange telecommunications company reseller may prepay an initial amount equal to the most recent month's' billings.—If the interexchange telecommunications company reseller has no billing history, the prepayment amount shall must be equal to an estimate made by the utility company of those the charges that will be incurred by the interexchange telecommunications company reseller will incur in the following month.—This amount shall will be due on the first business day of the month to which it will apply.~~

~~(b) The utility shall company must hold the interexchange telecommunications company's reseller's prepaid amounts in an interest-bearing account, which with interest shall accrue accruing to the benefit of the interexchange telecommunications company reseller.~~

~~(c) Application of prepayment.—The utility shall company must apply funds held in the prepayment account to bills incurred by the interexchange telecommunications company reseller as they are issued during the month.~~

~~(d) Adjustments to prepayment amount.—If the cumulative amount billed to the interexchange telecommunications company reseller during any month exceeds the amount of prepayment, the interexchange telecommunications company shall reseller must, by the fifth business day of the following month, remit to the utility company the amount by which the actual billed amount has exceeded the prepaid amount.—If the cumulative amount billed is less than the amount of the monthly prepayment, the utility shall company must, by the fifth business day of the following month, refund the excess amount, or make appropriate adjustment to the prepayment amount for the current month.—If actual billings for any month deviate from the prepaid amount by five percent or more, the prepayment for the ensuing months shall must be adjusted to the level of the prior month's billing.—If, during any month, the interexchange telecommunications company reseller adds additional services estimated to exceed the monthly prepaid amount by more than ten percent, the interexchange telecommunications company shall company may require the reseller to remit an additional prepayment amount by the fifth business day following receipt of written or oral verbal notice by from the utility~~

company.

~~(e) Transition period. An interexchange telecommunications company reseller which elects electing to pay for services in advance may retire any outstanding obligations prior to the first month in which prepayment is utilized used by executing and fulfilling the terms of a promissory note for the retirement of such that debt, interest free, in not more than three equal monthly installments. However, ~~t~~The interexchange telecommunications company shall reseller may not be required to make arrangements on any amounts in dispute.~~

~~(f) Disconnection. If an interexchange telecommunications company reseller which has chosen chooses to pay for services in advance but fails to satisfy the obligations under this section, the utility company may discontinue service to that interexchange telecommunications company the reseller no sooner than two business days following oral verbal notice of intent to discontinue service.~~

WAC 480-120-058 Protection of customer prepayments. (1) A company that intends to collect customer prepayments must first demonstrate to the commission that it meets the criteria set forth in section (a), (b), or (c) except that companies intending to collect prepayments solely of the type required for deposit at a pay telephone prior to making a pay telephone call shall not have to meet the requirements of this rule of this subsection.

(a) The company has a Standard and Poor's corporate debt rating, according to Standard & Poor's of BBB or higher, or according to a Moody's corporate debt rating of BAA Baa or higher, with respect to outstanding debt obligation; or

(b) The company has a performance bond sufficient to cover any customer prepayments and satisfactory to the commission sufficient to cover any customer prepayments; or

(c) The company has made provision for deposit of customer prepayments in a federally insured interest-bearing trust account maintained by applicant for service solely for customer advances. The prepayments must be deposited in a bank, savings and loan association, mutual savings bank, or licensed escrow agent, with access to such funds only for the purpose of refunding prepayments to customers. The funds must be maintained in an account within the state of Washington. In any order granting certification, the commission may require either bond or trust account or escrow as a condition of certification.

(2) Reporting requirements for every bond or trust account.

(a) Each company collecting customer prepayments must submit to the commission a report within fifteen days after the end of each calendar quarter. The report must contain the following information specific to state of Washington operations:

(i) Total outstanding balance of customer prepayments at the beginning of the reporting period;

(ii) Dollar amount of prepaid services sold during the reporting period;

(iii) Depleted usage of prepaid services during the reporting period; and

(iv) Total outstanding prepaid service balances at the end of the reporting period.

(b) Nothing in this rule precludes the commission staff from requesting current

company financial or operating information at any time.

(c) A company may petition the commission for a reduction in reporting requirements. The commission may grant or deny the request by letter from the commission secretary.

(3) Calculation of trust or bond levels.

(a) The initial level of the bond or trust must comply with the provisions of subsection (1)(b) or (c) of this section.

(b) The company must adjust the subsequent level of the bond or trust based upon quarterly reports data and the company must notify the commission of that adjustment.

(4) A company may petition for, and the commission may grant, waiver of the ~~bond/trust~~ bond or trust requirement either at the time of registration or ~~at such later time as~~ when the company can demonstrate to the commission's satisfaction that it meets standards for waiver of the ~~bond/trust~~ bond or trust requirement. The petitioning company must provide documentation to the ~~commission~~ in support of the petition. The commission may grant or deny the request by letter from the commission secretary. The commission will evaluate the following to determine whether a waiver of the ~~bond/trust~~ bond or trust requirement will be granted:

(a) Certified financial statements establishing adequate financial resources sufficient to provide service to ~~consumers~~ customers of prepaid telecommunications service;

(b) Confirmation that the company ~~has received approval for~~ is authorized to provide, and has been providing, comparable services satisfactorily in one or more other states ~~jurisdictions~~. The documentation must consist of information from the regulatory agency in the other state and must demonstrate that the company has complied with that state's rules and regulations and has provided adequate levels of service for twelve consecutive months;

(c) Compliance, following registration with the commission, with Washington rules and provision of adequate levels of service for at least twelve consecutive months;

(d) Documentation that the company has established a bond rating as provided for in ~~subsection~~ section (1)(a) of this section above; or

(e) Other evidence demonstrating that ~~consumer~~ customer interests will be adequately protected.

WAC 480-120-061 Refusal of service.

(1) ~~The telecommunications~~ A company may refuse to connect with or ~~render~~ provide service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant for service has not complied with state, county, or municipal codes and/or other regulations concerning the ~~provision~~ provision of such service.

(2) A ~~telecommunications~~ company may refuse to serve an applicant for service or a ~~subscriber~~ customer if, ~~in its judgment~~, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A ~~telecommunications~~ company shall ~~is not~~ shall not be be required to

connect with or render ~~provide-render~~ service to an applicant ~~for service unless and unless and until it can secure~~ all necessary rights-of-way, easements, and permits ~~can be secured. The company must make every effort to secure rights-of-way, easements, and permits.~~ An applicant ~~for service or customer~~ requesting service ~~that requires requiring the~~ use of private rights-of-way or private easements may be refused service ~~until-unless~~ the applicant ~~for service or customer~~ provides proof satisfactory to the company that the necessary rights-of-way or easements have been obtained.

(4) A telecommunications company may deny service to an applicant ~~for service or subscriber customer~~ because of an overdue, unpaid prior obligation ~~owed~~ to the same telecommunications company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory to the telecommunications company are made: ~~Provided, provided~~ ~~that~~ an overdue or unpaid obligation to an information ~~delivery service~~ provider shall ~~will~~ not be grounds for denial of service. ~~A telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the telecommunications company.~~

~~(a) A nontelecommunication company applicant for service shall only on an initial occurrence be Only on an initial occurrence is a non-telecommunications company applicant for service entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation owed to the company over not less than six monthly billing periods.~~

~~(b) The company must allow a minimum of six months for the prior obligation. A prior obligation is an:~~

~~(i) Any amount owed to a local exchange company or an interexchange carrier company at the time a customer's local service is physically disconnected for nonpayment, is considered a prior obligation. or:~~

~~(ii) Any amount owed to an interexchange carrier company at the time the telecommunications company toll physically restricts a customer's access to toll service for nonpayment is considered a prior obligation.~~

~~(c) If an applicant for service is entitled to the payment arrangement provided for in this section, service must be restored upon payment of the first installment, and if applicable, the first half of a deposit as provided for in WAC 480-120-056.~~

~~(d) If an applicant for service or subscriber customer defaults on a payment agreement such default shall will constitute grounds for discontinuance of service or toll restriction of service under the provisions of WAC 480-120-081. A telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the company.~~

(5) A telecommunications company may deny service to an applicant ~~for service or subscriber customer~~ for service at an address where a former ~~subscriber customer~~ is known to reside and has an overdue, unpaid prior obligation to the same telecommunications company for the same class of telecommunications service at that address until the obligation is paid ~~in full, or if applicable satisfactory arrangements are made as provided for in section (4).~~

(6) A telecommunications company may deny service to an applicant ~~for service or customer who is unable to establish credit~~ until any proper deposit is paid in full, ~~or in part, or an alternative service option as defined provided for in WAC 480-120-056 has been selected by the applicant for service or subscriber customer.~~

~~(7) A telecommunications company may deny installation or continuation of service to any applicant for service or subscriber who fails to provide accurate and verifiable information necessary to establish the identity of the applicant or subscriber until verifiable information is provided. For purposes of this rule, verifiable identification means a valid picture identification. A company may deny installation or continuation of service for failure to establish credit or to provide accurate, verifiable identification necessary to establish the identity of the applicant until verifiable information is provided, only if the company's procedure for verifying identification is at no cost to the applicant for service or customer. A customer who must present verifiable identification must be able to present such identification at the company's business offices or payment agencies. Telecommunications companies must provide a means for applicants or subscribers to provide identification. At a minimum business offices and payment agencies required under WAC 480-120-510 must provide this service at no charge to the applicant or subscriber. Refusal by an applicant for service or customer to provide a social security number is not considered intent to defraud and therefore companies may not require verifiable identification based on such refusal.~~

~~(8) A telecommunications company may deny installation or continuation of service to any applicant for service or subscriber who is customer shown to have obtained or retained service from the company by fraudulent means, including but not limited to:~~

- ~~(a) false statements of credit references or employment;~~
- ~~(b) false statement of premises address;~~
- ~~(c) use of an alias or false name with intent to deceive;~~
- ~~(d) rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons; or~~
- ~~(e) any other similar fraudulent devices.~~

~~(9) A local exchange company shall must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company Companies requesting service from a local exchange company shall must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.~~

~~(10) Number portability. Under no circumstances may a company refuse to disconnect or release a customer's telephone number to another company.~~

~~WAC 480-120-066 Contract for service.~~

~~Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.~~

~~Any contract with an information provider shall require that the information~~

provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

(Please comment on the proposal to move this rule and what the new language should say.)

WAC — 480-120-076 Underground.

Each telephone utility shall set forth in its tariff its conditions for providing underground facilities.

WAC 480-120-081 Discontinuance of service.

~~(1) By subscriber a subscriber shall be required to give notice to the telecommunications company of his intention to discontinue service.~~

~~(2) By telecommunications company – service may be discontinued by the telecommunications company for any of the following reasons:~~

~~(a) For the nonpayment of bills. The telecommunications company shall require that bill for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.~~

~~(b) For tampering with the telecommunications company's property.~~

~~(c) In case of vacation of the premises by subscriber.~~

~~(d) For nonpayment of any proper charges including deposit, as provided in the tariff or price list of the telecommunications company. Nonpayment of charges billed by the telecommunications company on behalf of information providers shall not be grounds for discontinuance of service in whole or in part. Nonpayment of interexchange carrier charges shall not be grounds for disconnection of local service. However, the telecommunications company may toll restrict a subscriber's service for nonpayment of proper interexchange carrier charges. Disputed third party billed charges shall not be grounds for disconnection of service in whole or in part.~~

~~(e) For violation of rules, service agreements, or filed tariff(s).~~

~~(f) For use of subscriber equipment which adversely affects the telecommunications company's service to its other subscribers.~~

~~(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the telecommunications company may discontinue service without notice: *Provided, however,* That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the telecommunications company shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the telecommunications company may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the telecommunications company in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.~~

~~(h) For unlawful use of service or use of service for unlawful purposes.~~

~~(3) When a local exchange telecommunications company has cause to totally disconnect or has totally disconnected a residential service, it shall postpone disconnection of local service or shall reinstate local service after receiving either verbal or written notification of the existence of a medical emergency for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of local service.~~

~~(a) The local exchange company may require that the subscriber within five business days submit written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of the subscriber, a member of the subscriber's family or another permanent resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physicians' assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:~~

- ~~(i) The name of the resident whose health would be affected by the disconnection of local service;~~
- ~~(ii) The relationship to the subscriber;~~
- ~~(iii) A description of the health condition;~~
- ~~(iv) An explanation of how the physical health of the person will be endangered by disconnection of local service;~~
- ~~(v) A statement of how long the condition is expected to last; and~~
- ~~(vi) The title, signature and telephone number of the person certifying the condition.~~

~~(b) A medical emergency does not excuse a subscriber from paying delinquent and ongoing charges. The company may require that the subscriber do the following within the five business day grace period: Pay a minimum of twenty-five percent or ten dollars of the delinquent balance, whichever is greater; and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the subscriber to pay more than this subsection prescribes. The company shall send a notice confirming the payment arrangements within two business days.~~

~~(c) If within the five-day grace period the subscriber fails to provide acceptable certification or fails to make payment or enter into an acceptable payment arrangement, the company may disconnect local service without further notice.~~

~~(d) If the subscriber fails to abide by the terms of the payment agreement the company may disconnect local service following notification provided for in subsection (5)(b) of this section.~~

~~(e) The medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than six months without renewal.~~

~~(4) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old~~

~~premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff or pricelist of the company.~~

~~(5) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no telecommunications company shall discontinue service unless the following conditions are met:~~

~~(a) Each telecommunications company shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5:00 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be affected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.~~

~~(b) Before effecting disconnection of service, a telecommunications company shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the telecommunications company shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's service telephone number. A log or record of the attempts shall be maintained by the telecommunications company showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when:~~

~~(i) The company has had cause in any two previous billing periods during a consecutive twelve-month period to attempt such contact; and~~

~~(ii) The company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.~~

~~All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the telecommunications company to resolve any differences. All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.~~

~~(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the~~

telecommunications company cannot reestablish service on the same or following day.

~~(d) When a telecommunications company employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the telecommunications company shall be permitted to assess a reasonable fee as provided for in the tariff of the telecommunications company for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.~~

~~(e) Where the telecommunications company has reasonable grounds to believe service is to other than the subscriber of record, the company shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.~~

~~(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patient's resident therein who are responsibilities of the department.~~

~~(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the telecommunications company upon referral of a complaint to a company supervisor or the commission.~~

~~(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the telecommunications company may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.~~

~~(6) Payment of any delinquent amount to a designated payment agency of the telecommunications company shall constitute payment to the company, if the subscriber informs the company of such payment and the company verifies such payment.~~

~~(7) Service shall be restored when the causes of discontinuance have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff or price list of the telecommunications company; or as the commission may order pending resolution of any bona fide dispute between the telecommunications company and the subscriber or applicant over the propriety of disconnection.~~

~~(8) A telecommunications company may make a charge for restoring service when service has been discontinued or toll restricted for nonpayment of bills. The amount of such charge is to be specified in the telecommunications company's tariff or pricelist.~~

~~When service is disconnected for nonpayment of a bill it may be either completely disconnected, toll restricted or partially disconnected. Toll restriction must allow access to emergency numbers such as 911. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.~~

~~(1) Customer requested: Customers who request service be discontinued must notify the company of the date service is to be discontinued. The company must complete the disconnection no later than the day following the requested disconnection date. If applicable, the telephone number must be released and made available to the customer's new company of choice within the stated time frame above.~~

~~(a) The customer is not responsible for any local service charges after the requested date for disconnection. Customers will be responsible for toll charges placed after the requested disconnection date only when the company can prove that the toll calls were made by the customer of record.~~

~~(b) If the customer moves from the service address and fails to request discontinuance of service, the customer must continue to pay for service taken at that service address until the company can either confirm that the customer has vacated the premise or that a new party has taken responsibility for the service.~~

~~(c) A customer's service will be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A customer is entitled to the same type of service at the new premises unless precluded by the tariff or price list of the company.~~

~~(12) Company-directed without notice or without further notice: A company may discontinue service without notice or without further notice when:~~

~~(a) After conducting a thorough investigation, it determines the customer has tampered with the company's property or has used service through an illegal connection;~~

~~(b) After conducting a thorough investigation, it determines the customer has vacated the premises;~~

~~(c) A customer in response to a delinquency notice as described in section (5) below, pays the delinquent balance with a check or electronic payment that is subsequently dishonored by the bank or other financial institution;~~

~~(d) The customer fails to keep payment arrangements agreed upon in response to a delinquency notice as described in section (5);~~

~~(e) After conducting a thorough investigation, it discovers that a customer has obtained service fraudulently. The company has the burden of proving that fraud occurred, for the first offense only. For the purpose of this section, a nonsufficient fund~~

check or electronic payment will not be considered fraud.

(i) First occurrence: The company may disconnect service without notice when it discovers fraud, unless the customer immediately pays:

(A) If applicable, the tariff rate for service that the company estimates was taken fraudulently;

(B) All company costs resulting from the fraudulent use;

(C) Any applicable deposit that may be required under WAC 480-120-056;

and

(D) Payment in full of all delinquent balances owed to the company by the customer. A company is not required to allow six-month-payment arrangements on a delinquent balance as provided for in WAC 480-120-061(4) when it can demonstrate that a customer obtained service through fraudulent means in order to avoid payment of a delinquent amount owed to that company. Once payment of the delinquent balance associated with the fraudulent activity is satisfied, a company may not refuse a customer the right to six-month-payment arrangements if the customer has not already exercised that right.

(ii) Second occurrence: The company may disconnect service without notice when, after thorough investigation, it identifies a second instance of fraud. The company may refuse to reconnect service to a customer who has been disconnected twice for fraud, subject to appeal to the commission.

(3) Company-directed with notice: After properly notifying the customer, as explained in sections (5) and (6) below, the company may discontinue service under any of the following conditions:

(a) For nonpayment of any regulated charges including deposit, as provided in the tariff or price list of the company. Nonpayment of charges billed by the company on behalf of an information delivery service provider will not be grounds for discontinuance of service in whole or in part. Nonpayment of interexchange service charges will not be grounds for disconnection of local service. However, the company may toll restrict a customer's service for nonpayment of regulated interexchange service charges.- Disputed third-party billed charges will not be grounds for disconnection of service in whole or in part.

(b) For violation of rules, service agreements, filed tariff(s), or price list(s).

(c) After conducting a thorough investigation, it determines that there is unlawful use of service or use of service for unlawful purposes by the customer.

(d) For use of customer equipment that adversely affects the company's service to its other customers.

(4) A company may use the following methods to disconnect a customer's service:

(a) Disconnect local dial tone and/or restrict non-essential services and/or features and/or access to long distance services;

(b) Toll restriction that limits long distance access and/or restricts non-essential services and/or features but allows local and emergency access. The company may not charge monthly fees for company-initiated toll restriction; and/or

(c) Partial disconnect that restricts service to either incoming or outgoing service capability. In case of a partial disconnection, the customer must be notified of the

restricted usage.

(5) Upon any complete disconnection of telephone service to a customer, charges for service will be discontinued as of the date of the disconnection.

(6) Medical Emergencies - When a local exchange company has cause to disconnect residential local service and has provided notice as required under section (6) or has disconnected a residential service, it must postpone disconnection or must reinstate local service **and may restrict non-essential services and features within four hours** for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. When service is reinstated under this section, the local exchange company will not require payment of a reconnection charge or deposit prior to reinstating service but will bill at a later date.

~~(a) The local exchange company may require that the customer submit, within five business days, written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. The written information that a company may require is limited to:~~

~~(i) Residence location;~~

~~(ii) An explanation of how the current medical condition will be aggravated by the disconnection of local service;~~

~~(iii) A statement of how long the condition is expected to last; and~~

~~(iv) The title, signature and telephone number of the person certifying the condition.~~

~~(b) The medical certification is valid only for the length of time the health endangerment is certified to exist, but no longer than 60 days unless renewed.~~

~~(c) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period:~~

~~(i) Pay a minimum of twenty five percent of the delinquent local exchange service balance;~~

~~(ii) Enter into an agreement to pay the remaining delinquent balance within ninety days; and~~

~~(iii) Agree to pay subsequent bills when due.~~

~~Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this section prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.~~

~~(d) If, within the five-day grace period, the customer fails to provide acceptable medical certificate or fails to pay twenty five percent of the delinquent balance, the company may disconnect local service without further notice.~~

~~(e) If the customer fails to abide by the terms of the payment agreement, service may be disconnected without further notice.~~

(7) Disconnection notification requirements - The company must notify customers before disconnecting their service except as described in section (2) above. Notification consists of the following requirements:

(a) Each company must provide a written disconnection notice to the customer either by mail or by personal delivery to the customer's address. Delivered notice will be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the customer. If no person is available to receive notice, notice will be deemed served if attached to the primary door of the residence unit or business office at which service is provided. Each disconnection notice must include:

(i) A disconnection date that is not less than eight- five business days after the date of personal delivery or mailing; if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;

(ii) All relevant information about the disconnection action including the amount owing and how to correct the problem;

(iii) All relevant information about any charges that may be assessed; and

(iv) The company's name, address, and toll-free telephone number by which the customer may contact the company to discuss the pending disconnection of service.

(v) If the company disconnection procedure does not result in actual restriction of its service but rather removal from a calling plan and placement of the account on casual use dialing, the notice must notify the customer that they will not notice a physical interruption of service but that their rates will increase. The notice must specify the rate at which the customer will be billed under the suspension of the calling plan or the notice will be void and the company must re-rate the calls to the prior calling plan rate. The notice must further indicate that a customer has the right to change to another long distance company.

(b) If the company discovers the information provided on the notice is inaccurate, the company must issue another notice to the customer as described in section 5(a).

(c) In addition to the notice required under section 5(a), the company must provide a second notice by one of the three options listed below:

(i) Delivered notice - Delivered notice will be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the customer. If no person is available to receive notice, notice will be deemed served if attached to the primary door of the residence unit or business office at which service is provided. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery; or

(ii) Mailed notice - the notice sent by the company may not include a scheduled disconnection date that is earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six business days if mailed from outside the state of Washington. The date of mailing will not be considered the first day of the notice period; or

(iii) Telephone notice - The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the

~~customer, the company will attempt to contact the customer using any business or message number provided. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the company is unable to reach the customer by telephone, a written notice as provided for in section (c)(i) or (c)(ii) must be provided to the customer prior to disconnection of service.~~

~~(d) If the company has not disconnected service within ten business days of the disconnection date stated in section (5)(a)(i), the disconnection notice will be considered void unless the customer and the company have agreed upon a payment arrangement. Upon a void notice, the company must provide new disconnection notice to the customer as provided for in section (5)(a) and (b).~~

~~(e) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or the following day.~~

~~(f) A company representative dispatched to disconnect service must accept payment of a delinquent account at the service address if paid in cash, but is not required to give change for cash paid in excess of the amount due and owing. The company must credit any over-payment to the customer's account. When disconnection does not take place due to payment or payment arrangements made by the customer with the company representative, the company may assess a fee for the disconnection visit to the service address if provided for in the company's tariff or price list. Notice of the amount of such fee, if any, must be provided in the notice of disconnection.~~

~~(g) 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, a minimum period of five business days must be allowed to permit the service users to arrange for continued service.~~

~~(h) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the secretary, Washington state department of social and health services, as well as to the customer. Upon request from the secretary or a designee, a delay in disconnection of no less than five business days from the date of notice must be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.~~

~~(8) Remedy and appeals - Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules or while engaged in discussions with the company's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing danger to health, safety, or property must be corrected. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.~~

~~(a) The company may, upon authorization from the commission, disconnect service, as defined in section (3)(a) above, when a customer's toll charges substantially exceed the amount of any deposit or customary use, and when it appears the customer~~

~~may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.~~

~~(9) Payment at a payment agency – Payment of any past due amounts to a designated payment agency of the company constitutes payment when the customer informs the company of the payment and the company verifies the payment.~~

WAC 480-120-087 Telephone solicitation.

(1) ~~As used in this section, "telecommunications company" is limited to telecommunications companies providing local exchange telephone service.~~

(2) ~~Local Exchange~~ Telecommunications ~~Telecommunications~~ companies shall must notify their customers of their rights under ~~chapter 277, Laws of 1986, RCW 80.36.390~~ with respect to telephone solicitation. ~~Notice shall be provided~~ Companies must provide notice by annual bill inserts mailed to residential customers or conspicuous publication of the notice in the consumer information pages of local telephone directories. The notice shall must clearly inform ~~subscribers~~ customers of their rights under the law and shall must, at a minimum, include the following information:

(a) ~~For purposes of this section~~ A aA solicitor is the representative of someone who calls you to ask you to buy something or donate something. a commercial or nonprofit company or organization that initiates an unsolicited telephone call to a residential customer for the purpose of encouraging that person to purchase property, goods, services or soliciting donations of money, property, goods or services. Under Washington law residential ~~subscribers~~ customers have the right to keep telephone solicitors from calling back.

(b) The law requires ~~that~~ solicitors to identify themselves, their company or organization, and the purpose of the call within the first thirty seconds. If at ~~anytime~~ any time during the conversation ~~you~~ the customer indicates that they say you do not want to be called again or want to have ~~your~~ their name and telephone number removed from the calling list, the company or organization may not have a solicitor call ~~you~~ the customer for at least one year and may not sell or give ~~your~~ the customer's name and telephone number to another company or organization.

(c) The attorney general's office is ~~given the authority~~ authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual ~~will be able to~~ may also recover ~~money spent on court and attorney's fees.~~ To file a complaint, or request more information on the law, ~~please write to~~ contact the Fair Practices Division of the Attorney General's Office listed below, or ~~between 12:00 noon and 5:00 p.m., weekdays,~~ call the Attorney General's Office, Fair Practices Division, at its toll free number: 1-800-551-4636. If you are filing a complaint, please include When the customer files a complaint, as much information as possible about the name and address of the ~~company or charity~~ individual, business, group, or organization, the time you received the calls were received, and the nature of the calls should be included.

Attorney General's Office
900 Fourth Avenue, Suite 2000
Seattle, Washington 98164

~~WAC—480-120-088 Automatic dialing-announcing devices.~~

~~An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:~~

- ~~(1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or~~
- ~~(2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:
 - ~~(a) States the nature and length in minutes of the recorded message; and~~
 - ~~(b) Identifies the caller and the individual, business, group, or organization for whom the call is being made and a telephone number to which a return call can be placed; and~~
 - ~~(c) Asks the called party whether he or she is willing to listen to the recorded message; and~~
 - ~~(d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message; or~~~~
- ~~(3) Except for purposes of commercial solicitation, an ADAD may be used if the recorded message:
 - ~~(a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and~~
 - ~~(b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.~~~~
- ~~(4) An emergency ADAD may be connected to the telephone network only under the following conditions:
 - ~~(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.~~
 - ~~(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty five seconds.~~
 - ~~(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.~~
 - ~~(d) The ADAD satisfies applicable state safety requirements.~~
 - ~~(e) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument: *Provided*, That the user shall not program the instrument to dial police or 911 emergency response numbers.~~~~

~~(5) As to any ADAD, provision must be made to preclude the dialing of unlisted telephone numbers and the dialing of designated public service emergency telephone numbers as listed in published telephone directories and to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.~~

~~Before any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the telecommunications company in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.~~

~~The telecommunications company shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a telecommunications company switching office, the utility may suspend or terminate the service with no prior notice.~~

~~The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.~~

~~Except for an ADAD designed to deliver a message in response to an emergency situation, no ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to unlisted telephone numbers, to designated public service emergency numbers, or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.~~

~~The telecommunications company shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given eight business days' notice or with no prior notice if use of the ADAD creates overloading in a telecommunications company switching office.~~

(1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) Commercial solicitation means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) Use of an ADAD is permitted only under the following circumstances:

(a) Commercial solicitation

(i) When the party initiating the call has received prior acknowledgment from the called party of the called party's desire to receive such telephone communication and the ADAD call complies with section (4); or

(ii) If the recorded message is preceded by an announcement made by a human operator. The announcement must contain the information provided in section (4).

(b) non-commercial solicitation.

(c) emergency services that comply with section (5).

(4) Recorded messages and human announcement must:

(a) state the nature and length in minutes of the recorded message;

(b) state the caller and the individual, business, group, or organization for whom the call is being made;

(c) provide a telephone number to which a return call can be placed;

(d) automatically disconnect the telephone connection within two seconds after the called party hangs up the receiver or indicates to the human operator they are not willing to listen to the recorded message.

(5) An emergency ADAD may be connected to the telephone network only under the following conditions:

(a) the ADAD is equipped with sensors that will react to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.

(b) the ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.

(c) the ADAD provides for disconnection within two seconds when the called party performs a predetermined function.

(d) the ADAD satisfies applicable state safety requirements.

(e) the user registers the instrument with and receives written approval for its use from the emergency services provider to which an automatic call would be directed, and secures from the emergency services provider an approved telephone number or numbers to be programmed into the instrument: Provided that the user will not program the instrument to dial law enforcement or 911 emergency response numbers.

(6) ADADs are prohibited from dialing unlisted telephone numbers and from dialing designated public service emergency telephone numbers as listed in published telephone directories. Except for an ADAD designed to deliver a message in response to an emergency situation as specified in section (5), no ADAD will be connected to the network unless the customer furnishes that company with written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, and to any telephone number or series of numbers that are on a current or future list of telephone customers who are designated by statute

~~or regulation as customers who are not to receive ADAD calls.~~

~~(7) All ADADs are prohibited from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designated to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone customer prior to using the ADAD to dial such emergency services provider or customer.~~

~~(8) No ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, connected to the telephone network, may operate until the potential user of the ADAD notifies the company, in writing, of the intended use of the ADAD equipment. The written notice must include a statement of the calendar days and clock hours during which the ADADs will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message.~~

~~(9) Each company must maintain records of all ADAD equipment connected to its facilities, and if requested by the commission provide details regarding the individual business, group, or organization operating such ADADs, their address and associated telephone number.~~

~~(10) The company must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities. If the company finds that a reasonable probability exists that the ADAD operation will overload its network, the company may refuse to provide connections for the ADADs or provide them subject to conditions necessary to prevent an overload. If, after service has been established, the company determines that the volume of calling originated by the ADAD is degrading the service furnished to others, the company may suspend or terminate the service after five days' written notice to the customer. If use of the ADAD overloads a company's switching office, the company may suspend or terminate the service without prior notice.~~

~~(11) The customer who uses ADAD equipment must notify the company in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.~~

~~(12) A company must suspend or terminate the telephone service of any customer when the company becomes aware of the fact that the customer is using an ADAD in violation of the provisions of this rule provided that:~~

~~(a) The customer is given eight business days' notice; or,~~

~~(b) With no prior notice if use of the ADAD creates overloading in a company's switching office.~~

WAC — 480-120-089 Information delivery services.

~~(1) "Information delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.~~

~~(2) "Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information delivery service.~~

~~(3) "Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.~~

~~(4) Telecommunications c~~Companies offering information delivery services shall must provide to each residential telephone subscriber customer the opportunity to block access to all information delivery services offered or billed through the local exchange company. The first such request shall must be fulfilled at no charge to the subscriber customer. Subsequent requests for blocking (e.g., after a subscriber customer has unblocked such access) must be afforded, but a charge may be assessed. This charge for blocking shall must cover its fully allocated costs, and shall must be tariffed or price listed.

~~(5) To insure that all costs of complying with chapter 123, Laws of 1988, shall be borne by the information providers, the telecommunications company offering pr information delivery services shall:~~

~~(a) File with the commission an annual report showing all expenses related to compliance with the section, and related to provision of information delivery services. Expenses include, but are not limited to, the expense of conducting a cost study to determine the appropriate charge for blocking, provision of customer notification of the availability of blocking, and the expense of developing accounting procedures to comply with this section.~~

~~(b) The annual report shall fully allocate all investment associated with complying with this section, and associated with provision of information delivery service, and;~~

~~(c) Report all information delivery service and blocking service revenues as separate revenue items.~~

~~(65) The local exchange company shall must inform residential telephone subscribers customers of the availability of the blocking service through a single-topic bill insert and through publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The notice and bill insert shall will clearly inform residential telephone subscribers customers of their rights under the law and shall must, at a minimum, include the following information:~~

~~(a) Under Washington law you have the right to request free blocking of access to information delivery services on your residential telephone line. Information delivery services are services provided for a fee by telephone recorded messages, or other information services which you get by using a special telephone number. These special telephone numbers are often called "976" or "960" "900" numbers. Blocking is the way that you can prevent these types of calls from being made on your residential telephone line.~~

~~(b) You are entitled to free blocking on your residential telephone line the first time you request it. If you later decide to "unblock," you can do so, but you may be charged for any blocking after that.~~

~~(c) To request blocking of access to information delivery services on your residential telephone line, call your local telephone company at the following number: ---, and request blocking.~~

~~(d) The Washington utilities and transportation commission is given the authority to enforce this law. If you want more information, please write to the commission at the~~

address listed below, or call the commission during working hours at its toll-free number: 1-800-562-6150.

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504

- (a) ~~The definition of "information delivery services" as set forth in section (4) above, as well as a statement that these services often are called "900" numbers;~~
- (b) ~~Notice that customers have the right under Washington law to request free blocking of access to information delivery services on their residential telephone lines and that blocking will prevent calls access to information delivery services from their residential telephone line;~~
- (c) ~~Notice that customers may request free blocking of access to information delivery services on their residential telephone lines by calling the local exchange company at a specified telephone number;~~
- (d) ~~Notice that the Washington utilities and transportation commission is authorized to enforce this law and that customers may contact the commission for further information. The notice must provide the commission's address and toll-free telephone number, as follows:~~

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504
1-800-562-5150

~~WAC 480-120-091 Farmer lines.~~

~~Each utility furnishing switching service for farmer lines shall file with the commission reasonable rules and regulations covering conditions under which the utility will connect a farmer line to its facilities and perform switching service. These rules shall provide reasonable regulations covering the maintenance of such lines and equipment as may be required to prevent an adverse effect on the general character of service rendered by the utility. Such rules may provide for the discontinuance of service to an entire line when repairs are required: *Provided, however,* Such action may be taken only after written notice of intent to discontinue service has been given to the owners or their representatives: *And provided further,* That if there be danger to life or property such notice may be disregarded. The notice of discontinuance when given, shall specify the particular condition to be corrected. A reasonable period of time shall elapse after issuing a written notice before discontinuance of service.~~

WAC ~~480-120-096~~ Grounded circuits.

~~No additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to metallic or equivalent circuits.~~

WAC 480-120-101 Complaints and disputes.

Any complaint or dispute involving a telecommunications company and a subscriber shall be treated in the following manner:

(1) ~~Each complaint or dispute received by a telecommunications company shall be investigated promptly as required by the particular case, and the result reported to the applicant or subscriber. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.~~

(2) ~~Each telecommunications company shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or subscriber shall inform the applicant or subscriber that if dissatisfied with the decision or the explanation that is provided, the applicant or subscriber has the right to have that problem considered and acted upon by supervisory personnel. The applicant or subscriber shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.~~

(3) ~~Each telecommunications company shall ensure that supervisory personnel contacted by a dissatisfied applicant or subscriber shall inform a still dissatisfied applicant or subscriber of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.~~

(4) ~~All parties to a dispute between an applicant or subscriber and the telecommunications company shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.~~

(5) ~~When a complaint is referred to a telecommunications company by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, a utility may request an extension of time.~~

(6) ~~Records – each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.~~

~~All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.~~

(7) ~~Each telecommunications company shall ensure that it has personnel available during regular work days to address customer complaints or inquiries and to respond to commission staff. Regular work days mean Monday – Friday, excluding~~

official state holidays.

(1) When a company receives a complaint from an applicant for service or customer regarding its service or regarding another company's service for which it provides billing, collection or responses to inquiries, the complaint must be acknowledged as follows:

(a) provide the name of the company's contact to the complainant;

(b) investigate the complaint promptly;

(c) report the results of the investigation to the complainant;

(d) take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) inform the complainant that the decision may be appealed to a supervisor at the company;

(f) inform the complainant, if still dissatisfied after speaking to a supervisor, of his/her right to file a complaint with the commission and provide the commission address and toll-free telephone number.

(2) When a company receives a complaint from an applicant for service or customer regarding another company's service for which it provides only billing service and does not have authority to resolve disputes, the company must:

(a) provide the complainant a toll-free number to reach the appropriate office for the other company that is authorized to investigate and take corrective action to resolve the dispute or complaint, and

(b) the company must explain the customer's right to escalate the complaint to a supervisor if dissatisfied with the initial contact with the other company and the customer's right to file an informal complaint with the commission if still dissatisfied after speaking to a supervisor.

(3) Applicants for service, customers, or their authorized representatives, may file with the commission:

(a) An informal complaint as described in WAC 480-09-150; or

(b) A formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and WAC 480-09-500.

(4) When the commission refers an informal complaint to a company, the company must:

(a) investigate and report the results of its investigation to the commission within ~~two~~ **five** working days. Commission staff may grant an extension of time for responding to the complaint, if requested by the company and the extension is warranted;

(b) respond to requests for additional information on a complaint within ~~three~~ **five** business days unless commission staff specifies another date; and

(c) keep the commission informed of ~~progress toward~~ the solution and the final result of the complaint.

(5) Records. Each company must keep a record of ~~all~~ complaints for at least ~~three~~ **one** year ~~s and, on request, make them available for commission review.~~ The records must contain:

(a) complainant's name and address;

(b) date and the nature of the complaint;

(c) action taken; and

(d) final result.

(6) Each company must ensure that it has personnel available during regular business days to address customer complaints or inquiries and to respond to commission staff. Regular business days mean Monday through Friday, excluding official state holidays.

~~WAC 480-120-106 Form of bills.~~

~~(1) Except as provided in subsection (2) of this section, bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.~~

~~The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the operator service provider's billing agent, the provider of the operator services and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address or toll free telephone number of the operator service provider where they can question that portion of the bill shall be provided that information.~~

~~A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall provide a copy of this list to the commission for its review upon request.~~

~~All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.~~

~~Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers,~~

the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

(2) Any telecommunication company's prepaid calling card services are exempt from subsection (1) of this section. Any telecommunications company for which an exemption is provided under this section shall provide call detail reports for prepaid calling card services free to customers upon request and upon provision of the card or copy of the card.

(1) Except as provided in section (9) below, bills to customers must be rendered regularly. The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington;

(a) Should the company fail to generate bills on a regular basis, resulting in the collection of delayed charges, the company must, when requested by the customer, 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 charges contained on the bill);

(b) If requested by a customer, a company may provide regular billings in electronic form so long as the bill meets all the requirements of this rule. The company must maintain a written record of the customer request to receive the bill in electronic form;

(2) Bill organization. Bills must be clearly organized, and must comply with the following requirements;

(a) The name of the service provider associated with each charge must be clearly identified on the telephone bill;

(b) When charges for two or more service providers appear on the same telephone bill, the charges must be separated by service provider, and the billing entity must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service;

(i) "Clear and conspicuous notification" means notice that would be apparent to a reasonable customer;

(ii) "New service provider" is any provider that did not bill for services on the previous billing statement. The notification should describe the nature of the relationship with the customer, including a description of whether the new service provider is the presubscribed local exchange or interexchange company;

(3) Description of billed charges. Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so customers can accurately determine that the services billed correspond to those they have requested and received, and the costs assessed for those services conform to their understanding of the price charge;

~~(a) All bills for telephone service must identify and set out separately any charges imposed by order of, or at the direction of, the FCC. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which the tax is computed, which representing municipal occupation, business and excise taxes that have been levied by a municipality against the company, the effect of which is passed on as a part of the charge for telephone service.~~

~~(4) "Deniable" and "Non-Deniable" charges. When a bill contains charges for other services, in addition to basic local service, the bill must distinguish between charges for which nonpayment results in disconnection of basic local service, and charges for which non-payment will not result in such disconnection. The company must explain this distinction to the customer, and identify clearly and conspicuously on the bill those charges for which non-payment will not result in disconnection of basic local service. Companies may also elect other methods of informing the customer on the bill that they may contest charges prior to payment.~~

~~(5) Clear and Conspicuous Disclosure of Inquiry Contacts. Telephone bills must contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges on, the bill. Companies must prominently display on each bill a toll-free number or numbers by which customers may inquire or dispute any charge contained on the bill. A company may list a toll-free number for a billing agent, clearinghouse, or other third party, providing that such party possesses sufficient information to resolve customer complaints on the company's behalf. Each company must make its business address available upon request to customers through its toll-free number.~~

~~(6) Billing of regulated services. A company must not provide billing and collection services for any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange company that it will submit charges only on behalf of properly registered companies. As a part of this certification the company must require that the billing agent provide to it a current list of all companies for which it bills showing the name (as registered with the commission) and address. This list must be updated and provided to the company as changes occur. The company must provide a copy of this list to the commission for its review upon request.~~

~~(a) A company may not add or collect surcharges from customers for billing another company's regulated charges.~~

~~(7) A company will furnish an itemized statement of all charges when a customer requests by telephone, letter or office visit.~~

~~(a) An itemized statement must include sufficient detail so a customer may calculate the bill. The statement must separately itemize the following:~~

~~(i) the rate for local service;~~

~~(ii) the rate for ancillary charges for local service;~~

~~(iii) mileage charges;~~

~~(iv) taxes and how they were calculated;~~

~~(v) credits/adjustments and how they were calculated; and~~

~~(vi) miscellaneous or special services and toll charges, the latter showing at least~~

date, place called and charge for each call.

(b) When itemizing the charges of information providers, the company must furnish the name, address telephone number and toll free number, of any, of such providers. Any additional itemization must be a filed tariff charge.

(8) A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but not be limited to, adjustment of the billing cycle 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.

(9) Company's prepaid calling card services are exempt from sections (1) through (8). Companies for which an exemption is provided under this section must provide call detail reports for prepaid calling card services free to customers upon request as provided for in WAC 480-120-052(4)(d).

WAC 480-120-116 Refund for overcharge.

Overcharges by a telephone utility company to a subscriber shall customer must be refunded to the subscriber customer retroactive to such the time as the overcharge was applied or to the time such the overcharge can be documented either by the utility company or the subscriber customer. Refunds for overcharges in actions brought by customers against telecommunications companies, pursuant to 80.04.240, shall be limited to two years from the date of the overcharge.

WAC 480-120-121 Responsibility for delinquent accounts.

A utility shall not company may only refuse or discontinue service to an applicant for service or subscriber customer, who is not in arrears to the utility company, even though when:

(a) There are unpaid charges due from the premises occupied by the applicant or subscriber, on account of the unpaid bill of a prior tenant, unless to be served that are owed by a prior customer who continues to reside in the premises, and the prior customer has either failed to pay the charges or, if applicable, pay the first one-sixth installment as provided for in WAC 480-120-061.

(b) There are unpaid charges due from the premises to be served which are owed by a prior customer and there is evidence of intent to defraud such as rotation of roommate names as provided for in WAC 480-120-061(8).

WAC 480-120-126 Safety.

The plant and all facilities of utilities shall must be constructed and installed in conformity with good to conform with standard engineering practices and comply, at a minimum, with the minimum standards as set out in the most current National Electric Safety Code in effect on January 1, 1991. All instrumentalities

~~instruments and equipment shall must be installed and maintained with due consideration to for the safety of the subscribers customers, employees and the general public. Hazardous conditions that endangering persons, property, or the continuity of service, when found, reported or known to exist, shall must be expeditiously corrected immediately.~~

~~Extreme vigilance shall be exercised to prevent the accumulation of trash and other fire hazards in or upon central office premises.~~

~~The storage of flammable, and/or combustible materials in central office equipment spaces is prohibited. Companies may not store flammable, combustible materials, accumulate trash, or allow other fire hazards at any central office and any other location where storage poses a danger to the network.~~

~~WAC 480-120-131 Reports of accidents.~~

~~Each utility shall Companies must give prompt notice to the commission of every accident resulting in death or serious injury to any person, employee or member of the public occurring in its plants or through contact with any of its facilities. The report shall must give include the name of the person, extent of injuries, place of accident and brief explanation of same, and shall be verified in writing if not originally reported by letter.~~

~~A company must notify the commission no later than the first business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through contact with its facilities. A company may initially notify the commission verbally or through electronic mail of such accidents. Companies must submit a follow-up written report to the commission within fifteen (15) working days of initial notification that includes at a minimum:~~

~~(a) The name and address of the person or persons injured;~~

~~(b) The time and place of the accident;~~

~~(c) Whether the accident resulted in a fatality;~~

~~(d) Whether the accident resulted in an outage;~~

~~(e) If an outage occurred, its duration and the number of customers affected;~~

~~(f) A brief description of how the accident occurred; and~~

~~(g) Where any necessary medical treatment was provided.~~

~~WAC 480-120-136 Retention and Preservation of records.~~

~~(1) "Volume X, Part 42, Preservation of Records of Communication Common Carriers" adopted and published by the FCC effective January 1, 1991, is hereby prescribed as the preservation of records requirements of telephone utilities in the state of Washington.~~

~~(2) All records and reports required by these rules shall be retained on file in the office of the utility or in such other place as may be approved by the commission, for such time as is specifically provided in paragraph (1) and where no time is specified, for a period of three years.~~

~~(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) above, except by prior written permission of this commission.~~

(1) Companies must retain all records and reports for ~~three- one~~ years unless otherwise the requirements of specified in section (2) below dictate otherwise. No records may be destroyed prior to the expiration of the time specified in required by section (2).

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission, effective October 1, 1998. This document is available at the commission branch of the Washington state library. The commission will provide a copy of the document on request, subject to any charge.

~~WAC 480-120-138 Pay phone service providers (PSPs).~~

~~(1) **General.** General. This section sets out the standards applicable to providing pay phone service in the state of Washington. All pay phone service providers (PSPs) must comply with this and all other rules relating to pay phone services.~~

~~Every A local exchange telecommunications company within the state of Washington must allow pay phones to be connected to its network, and must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.~~

~~The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse PSPs from compliance with those requirements.~~

~~(2) **Registration and application of rules.** Registration and application of rules.~~

~~(a) Pay phone service providers (PSPs) operating a pay phone within the state of Washington must register by:~~

~~(i) Submitting a master business application to the master license service, department of licensing; and~~

~~(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.~~

~~(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt pay phone service providers from rules applicable to remedies or sanctions for violations of rules applicable to PSP operations.~~

~~(3) **Access.** Access. Pay phones must provide access to at no charge to the calling party the following:~~

~~(a) Dial tone;~~

~~(b) Emergency calling;~~

~~(c) Operator;~~

~~(d) Telecommunications relay service calls for the hearing-impaired;~~

~~(e) All available subscriber customer toll-free services; and~~

~~(f) All available interexchange companies, including the local exchange company.~~

~~Access to services (a) through (e) must be provided at no charge to the calling~~

party.

~~(4) **Disclosure – What must be posted.** Disclosure – What must be posted. The following information must be clearly and legibly posted on or near the front of the pay phone, and must not be obstructed by advertising or otherwise:~~

~~(a) The rate for local calls, including any restrictions on the length of calls. Clear and legible posting of the rate can be accomplished by using 30 point or larger type print, or contrasting color;~~

~~(b) Notice that directory assistance charges may apply, and to ask the operator for rates;~~

~~(c) Notice that the pay phone does not make change, if applicable;~~

~~(d) The emergency number (911);~~

~~(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;~~

~~(f) A **without-charge toll-free** number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;~~

~~(g) The name, address, and **without-charge toll-free** number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days of a change in the OSP.~~

~~(h) Notice to callers that they can access other long distance companies;~~

~~(i) The phone number including area code of the pay phone. When the pay phone is in an area that has had an area code change, that area code change must be reflected on the pay phone within thirty days of the area code conversion;~~

~~(j) In contrasting colors, the commission compliance number for **consumer customer** complaints, to include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882); and~~

~~(k) Placarding shall **must** be in place within sixty days after the effective date of an applicable rule change.~~

~~(5) **Operation and functionality.** Operation and functionality.~~

~~(a) The pay phone, if coin-operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.~~

~~(b) Pay phone keypads must include both numbers and letters.~~

~~(c) A PSP must order a separate pay phone access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as one-to-one ratio by means other than through a PAL, that the service provided to **consumers** customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone.~~

~~(d) Extension telephones may be connected to a pay phone access line for the purpose of monitoring emergency use only. An extension phone must be activated only when 911 is dialed from the pay phone, and the extension phone must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the public safety answering point. The pay phone must~~

~~be clearly labeled to indicate that "911 calls are monitored locally."~~

~~(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premises where the bill was incurred, unless the ~~consumer~~ customer requests that the call be alternatively billed.~~

~~(f) The pay phone may not restrict the number of digits or letters that ~~may~~ can be dialed, ~~except under provisions in section 5 (h) (ii) and (iii).~~~~

~~(g) Pay phones may provide credit-only service, or coin and credit service.~~

~~(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:~~

~~(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;~~

~~(ii) Service provided within a building on the premises of a private business establishment, in the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and~~

~~(iii) Service at locations where local governing jurisdictions or law enforcement finds that incoming calls may be related to criminal or illicit activities and have obtained an order under ~~subsection (6) of this section~~ below. Each pay phone confined to one-way service must be clearly marked on or near the front of the pay phone.~~

~~(6) **Restrictions.** Restrictions. A PSP must limit the operational capabilities of pay phones only when directed by the commission. The commission may direct such limitations upon request of local governing jurisdictions (or other governmental agencies) in their efforts to prevent or limit criminal or illicit activities. Restrictions may include, but are not limited to, blocking of incoming calls, limiting touch tone capabilities and coin restriction during certain hours.~~

~~Requests for a commission order directing the restriction of a pay phone(s) (or pay phones) in a certain geographic area) must be made by petition to the commission for waiver of ~~subsection (5) of this section~~ to allow one or more specific restrictions and for an order directing restriction of the phone(s). The petition may be made on a form provided by the commission. The petition must include a request for the restriction signed by an agent of the local government jurisdiction in which the pay phone is located who has authority from the jurisdiction to submit the request, and must state the jurisdiction's reasons for the request.~~

~~The petitioner must serve a copy of the petition on the pay phone service provider no later than the date the petition is filed with the commission. The petitioner must post a notice prominently visible at the pay phone(s) of the proposed restriction, no later than the day it is filed with the commission, and maintain it at the location until the commission acts on the petition. The notice must explain what is proposed and how to file an objection to the petition with the commission. The petition is for an administrative, and not an adjudicative, decision and will be processed administratively.~~

~~If no objection is made by any person or by commission staff within the twenty-day comment period, the commission will enter an order directing the restriction. If an objection is filed, the commission will hear the petition after notice to the objector and~~

the petitioner.

~~Once restrictions are in place at the telephone, the PSP must post on or near each pay phone so limited, in legible and prominent type, a description of each limitation in effect, times when the restrictions will be in effect, and the name and without charge number of the governmental agency that recommended the restriction.~~

~~(7) **Telephone directories.** Telephone directories. The provider of the pay phone access line must furnish without charge one current telephone directory each year for each pay phone access line (PAL).~~

~~The PSP must ensure that a current directory is available at every pay phone.~~

~~(8) **Malfunctions and rule violations.** Malfunctions and rule violations. Malfunctions of the pay phone, or rule violations reported to the ~~repair/refund~~ repair or refund number or the commission, must be corrected within five days.~~

~~(9) **Complaints and disputes.** Complaints and disputes. Complaints and disputes regarding pay phone service providers shall will be treated in accordance with WAC 480-120-101.~~

WAC 480-120-141 Operator service providers (OSPs).

(1) ~~**General.** General.~~ This section gives information applies to operator service providers (OSPs) ~~that provide~~ providing operator services from pay phones and other aggregator locations within Washington. All telecommunications companies providing operator services (both live and automated) must comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission. The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse OSPs from compliance with those requirements.

(a) ~~Each operator service provider (OSP) must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.~~

~~(b) No OSP may provide service to a PSP that is not fully in compliance with the rules.~~

(c) For purposes of this section, "consumer" means the party initiating and/or paying for a call using operator services. In collect calls, both the originating party and the party on the terminating end of the call are consumers. "Customer" means the call aggregator or pay phone service provider, i.e., the hotel, motel, hospital, correctional facility/prison, or campus, contracting with an OSP for service.

~~(2) **Disclosure.** Disclosure.~~

~~(a) **What must be posted.** What must be posted. The following information must be clearly and legibly posted on or near the front of a pay phone, and must not be obstructed by advertising or other messages:~~

~~(i) The name, address, and without charge number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days after a change of OSPs;~~

~~(ii) Notice to consumers that they can access other long distance carriers~~

companies:

~~(iii) In contrasting colors, the commission compliance number for consumer complaints, to must include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882)"; and~~

~~(iv) Placarding as a result of rule changes shall must be in place within sixty days after the effective date of the rule change.~~

~~(b) **Verbal disclosure of rates.** Verbal disclosure of rates. Before an operator-assisted call from an aggregator location may can be connected by a presubscribed OSP, the OSP must verbally advise the consumer how to receive a rate quote, such as by pressing a specific key or keys, but no more than two keys, or by staying on the line. This message must precede any further verbal information advising the consumer how to complete the call, such as to enter by entering the consumer's calling card number. This rule applies to all calls from pay phones or other aggregator locations, including prison phones, and store and forward pay phones or "smart" telephones. After hearing an OSP's message, a consumer may waive their right to obtain specific rate quotes for the call they wish to make by choosing not to press the key specified in the OSP's message to receive such information or by hanging up. The rate quoted for the call must include any applicable surcharge. Charges to the user must not exceed the quoted rate.~~

(3) ~~**Access.** Access.~~ Pay phones must provide access to the services identified in WAC 480-120-138(3).

(4) ~~**Branding.** Branding.~~ The operator service provider OSP must:

(a) Identify the OSP providing the service audibly and distinctly at the beginning of every call, including an announcement to the called party on calls placed collect.

(b) Ensure that the beginning of the call is begins no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(c) State the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. Terms such as "company," "communications," "incorporated," "of the northwest," etc., may be omitted when not necessary to identify clearly the OSP.

(5) ~~**Billing.** Billing.~~ The operator service provider OSP must:

(a) Provide to the billing company applicable call detail necessary for billing purposes, as well as an address and toll-free telephone number for consumer inquiries.

(b) Ensure that consumers are not billed for calls that are not completed. For billing purposes, calls must be itemized, identified, and rated from the point of origination to the point of termination. ~~No call~~ An OSP may be not transferred a call to another carrier by an OSP company unless the call can be billed from the point of origin of the call.

(c) Charges billed to a credit card need not conform to the call detail requirements of this section. However, the OSP must provide specific call detail upon request, in accordance with WAC 480-120-106, Form of bills, ~~upon request~~.

(6) ~~**Operational capabilities.** Operational capabilities.~~ The operator service

provider OSP must:

(a) Answer at least ninety percent of all calls within ten seconds ~~from~~ of the time the call reaches the ~~carrier's~~ company's switch.

(b) 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 ~~carriers~~ companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, ~~it is the responsibility of the OSP to~~ must determine what caused the blockage and take immediate steps to correct the problem.

(c) Offer operator services that equal or exceed the industry standards in availability, technical quality, response time, and that also equal or exceed industry standards in variety or are particularly adapted to meet unique needs of a market segment.

(d) Reoriginate calls to another ~~carrier~~ company upon request and without charge when ~~the capability~~ technically able 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 ~~give~~ provide dialing instructions for the consumer's preferred ~~carrier~~ company.

(7) **Emergency calls.** Emergency calls. For purposes of emergency calls, every OSP must have the following capabilities:

(a) ~~Be able to transfer~~ transferring the caller into the appropriate E-911 system and to the public safety answering point (PSAP) serving the location of the caller ~~with a single keystroke~~ from the operator's console, ~~to include~~ including automatic identification of the exact location and address from which the call is being made;

(b) ~~Have the ability for the operator~~ must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call; and

(c) ~~Be able to provide~~ providing ~~a without charge~~ access to obtain a toll-free number for direct access to ~~public safety answering points~~ PSAPs should additional information be needed when responding to a call for assistance from a phone utilizing the provider's services. That emergency contact information must not be considered proprietary.

(8) **Fraud protection.** Fraud protection.

(a) A company ~~providing telecommunications service~~ may not bill a call aggregator for the following:

(i) Charges billed to a line for originating calls ~~which originated from that line through the use of carrier~~ using company access codes (i.e., 10XXX+0, 10XXX+01, 950-XXXX), toll-free access codes, or ~~when the originating calls originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening~~ or pay phone specific ANI coding digits, and the call was placed after the effective date of the outgoing call screening ~~or pay phone specific ANI coding digits~~ order; or

(ii) Collect or third-number-billed calls, if the line serving the call that was billed had subscribed to incoming call screening (also termed billed number screening) and the call was placed after the effective date of the call screening service order.

(b) Any calls billed through the access line provider in violation of section (a)(i) or

(ii) ~~of this subsection~~ must be removed from the call aggregator's bill by the access line provider. If investigation by the access line provider determines that the pertinent call screening ~~or pay phone specific ANI coding digits~~ was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of section (a)(i) and (ii) of this subsection, must be removed from the call aggregator's bill. The ~~telecommunications~~ company providing the service may request an investigation by the access line provider.

If the access line provider determines that call screening ~~or pay phone specific ANI coding digits~~ (which would have ~~protected~~ prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(9) ~~Enforcement.~~ Enforcement. ~~Operator service providers~~ OSPs are subject to all pertinent provisions of law.

(a) ~~Suspension.~~ Revocation. The commission may ~~suspend~~ revoke the registration of any company providing operator services if the company fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

(i) ~~Suspension may be ordered~~ Registration may be revoked following notice and opportunity for hearing as provided in RCW 80.04.110 and the procedural rules of the commission.

~~(ii) No operator service provider may operate while its registration is suspended.~~

~~(iii) ii~~ Except as required by federal law, no provider of pay phone access line service may provide service to any ~~operator service provider~~ OSP whose registration is suspended revoked.

(b) ~~Penalty.~~ Penalty. The commission may assess a penalty as provided in RCW 80.36.522 and 80.36.524, upon any company providing operator services, if the company fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW.

(c) ~~Alternatives.~~ Alternatives. The commission may take any other action regarding a provider of operator services as authorized by law.

(d) ~~Complaints.~~ Complaints. Complaints and disputes will be treated in accordance with WAC 480-120-101.

WAC 480-120-144 Use of privacy listings for telephone solicitation.

A ~~telecommunications~~ company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each ~~such~~ customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

WAC 480-120-151 Telecommunications carriers' companies' use of customer proprietary network information (CPNI).

(1) Any telecommunications carrier telecommunications company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same carrier company, without customer approval.

(a) If a telecommunications carrier company provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier company, the carrier ~~is permitted to~~ company may share CPNI among with the carrier's company's affiliated entities that provide a service offering to the customer.

(b) If a telecommunications carrier company provides different categories of service, but a customer does not subscribe to more than one offering by the carrier company, the carrier ~~is~~ company may not permitted to share CPNI among the carrier's affiliated entities with its affiliates.

(2) A telecommunications carrier company may not use, disclose or permit access to CPNI to market to a customer ~~service offerings~~ that are within a category of service to which the customer does not already subscribe ~~to from that carrier company~~, unless the carrier company has customer approval to do so, except as described in subsection (3) ~~below~~ of this section.

~~(a) A telecommunications carrier~~ company may not use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including:

~~(i) c~~Call answering;

~~(ii) v~~Voice mail or messaging;

~~(iii) v~~Voice storage and retrieval services;

~~(iv) f~~Fax store and forward; and

~~(v) Internet access services.~~

~~For example, a carrier company may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice mail service.~~

~~(ab)~~ A telecommunications carrier company may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange carrier company may not use local service CPNI to track all customers who call local service competitors.

~~(c) A telecommunications carrier~~ company may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.

(3) A telecommunications carrier company may use, disclose, or permit access to CPNI, without customer approval where authorized to do so by state or federal law and as specified below, as described in this subsection:

(a) A telecommunications carrier company may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) ~~CMRS (wireless telecommunications service) providers~~ Companies may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of ~~CMRS~~ their services.

(~~be~~) Local exchange companies ~~and CMRS providers~~ may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to:

- (i) ~~s~~Speed dialing;
- (ii) ~~e~~Computer-provided directory assistance;
- (iii) ~~e~~Call monitoring;
- (iv) ~~e~~Call tracing;
- (v) ~~e~~Call blocking;
- (vi) ~~e~~Call return;
- (vii) ~~r~~Repeat dialing;
- (viii) ~~c~~Call tracking;
- (ix) ~~e~~Call waiting;
- (x) ~~e~~Caller I.D.;
- (xi) ~~e~~Call forwarding; and
- (xii) ~~e~~Certain centrex features.

(4) A company may use, disclose, or permit access to CPNI to protect the property and other rights of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services or where otherwise authorized by state or federal law.

WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).

(1) A ~~telecommunications carrier~~ company must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that ~~carrier~~ company.

(2) A ~~telecommunications carrier~~ company may obtain approval to use or permit use of CPNI through written, ~~oral~~ verbal, or electronic methods.

(3) A ~~telecommunications carrier~~ company relying on ~~oral~~ verbal approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rules.

(4) Approval obtained by a ~~telecommunications carrier~~ company for the use of CPNI outside of the customer's total service relationship with the ~~carrier~~ company must remain in effect until the customer revokes or limits such approval, so long as the ~~carrier~~ company maintains the records of customer notification and approval required in this rule.

(5) A ~~telecommunications carrier~~ company must maintain records of notification and approval, whether ~~oral~~, written, verbal or electronic, for at least one year.

(6) Prior to any solicitation for customer approval, a ~~telecommunications carrier~~ company must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(a) A ~~telecommunications carrier~~ company may provide notification through ~~oral~~

verbal or written methods.

(b) Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier company to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the carrier company a duty, under federal and state law, to protect the confidentiality of CPNI.

(ii) The notification must:

(A) specify the types of information that constitute CPNI and the specific types of entities that will receive CPNI;

(B) describe the purposes for which CPNI will be used; and

(C) inform the customer of ~~his or her~~ the right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes.

(iv) The notification must be comprehensible and must not be misleading.

(v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.

(vi) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(vii) A carrier company may state in the notification that the customer's approval to use CPNI may enhance the carrier's company's ability to offer products and services tailored to the customer's needs. A carrier company also may state in the notification that the customer, upon affirmative written request, may compel the carrier company to disclose CPNI to any person.

(viii) A carrier company may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

(ix) The notification must state that any approval, or denial of approval, for the use of CPNI outside of the service ~~to which~~ the customer already subscribes to from that carrier company is valid until the customer affirmatively revokes or limits the approval or denial.

(7) A ~~telecommunications carrier's~~ company's solicitation for approval must be proximate to the notification of a customer's CPNI rights ~~and must be written in the same document.~~

~~(8) A telecommunications carrier's solicitation for approval, if written, must not be a document separate from the notification, even if both documents are included within the same envelope or package.~~

WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).

(1) ~~Telecommunications carriers~~ Telecommunications companies must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and ~~carriers~~ must implement an express disciplinary process to deal with

violations of the requirement.

(2) ~~Telecommunications carriers~~ Companies must establish a supervisory review process regarding ~~carrier company~~ compliance with rules governing outbound marketing situations and must maintain records of ~~carrier company~~ compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) A ~~telecommunications carrier company~~ must have an ~~an corporate~~ officer, as an agent of the ~~carrier company~~, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the ~~carrier company~~ has established operating procedures that are designed to ensure is in compliance with the rules ~~of in~~ this subpartsection. ~~A statement explaining how the carrier company is in compliance with the rules in this subpart must accompany the certificate.~~

~~WAC 480-120-340 Enhanced 9-1-1 (E911) Obligations of local exchange companies.~~

~~(1) Every Local exchange company shall companies offering E911 services must:~~

~~(a) provide the capability to identify the location of individual telephone stations at private branch exchanges (PBXs) or similar equipment served by enhanced 9-1-1 E911 service, where the PBX or similar equipment generates and forwards appropriate number identification information, as follows:~~

~~(a) For exchanges with enhanced 9-1-1 on the effective date of this section, no later than September 1, 1992.~~

~~(b) For other exchanges, no later than one hundred eighty days prior to the date that such enhanced 9-1-1 service is available, but no earlier than September 1, 1992.~~

~~(2) No later than May 1, 1992, every local exchange company shall file with the commission a detailed plan specifying the following:~~

~~(a) The provisioning method the company has chosen to comply with the requirement in subsection (1) above, including equipment, facilities, software, or other technology, and the rationale for selecting such technology;~~

~~(b) The anticipated costs of providing the chosen provisioning method and technology.~~

~~(3b) No later than September 1, 1992, every local exchange company offering 9-1-1 services shall file with the commission tariffs and supporting cost studies which that specify the charges and terms for 9-1-1 services, including enhanced 9-1-1 E911 services.~~

**WAC 480-120-350 Reverse search by E-911 E911 PSAP of ALI/DMS data base--
When permitted.**

(1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of ~~the representative of the public safety answering point~~ PSAP representative, an immediate response to the location of the caller or to the location of another telephone

number reported by the caller is necessary because of an apparent emergency.

~~(2) A record shall The administrator of the database must be created by the telecommunications local exchange company (LEC) or in the data base that is searched, a record at the time of the reverse search, showing The record must be created:~~

~~(a) by the local exchange company (LEC) and in the data base that is searched;~~
and

~~(b) by the PSAP making the search.~~

~~(3) A record may be created in a PSAP data base, if the collection and storage of the data are reasonably secure from alteration or deletion. The record must contain the following information:~~

~~(a) the date and time,~~

~~(b) the number searched,~~

~~(c) the PSAP, and,~~

~~(d) if feasible, the PSAP agent position from which the reverse search is initiated.~~

~~The records shall be retained for at least three years following the search. The record shall be independent of the PSAP and accessible to the LEC. Records may be created in a PSAP data base and retrieved no less frequently than once each normal workday by the LEC if the collection and storage of the data are reasonably secure from alteration or deletion.~~

~~(34) No A reverse search may can may be made unless the public safety answering point only if the PSAP makes a record of the search and includes the circumstances requiring the search.~~

~~(5) The PSAP shall must retain its records of each reverse search for at least three years following the search, and records must be accessible to the LEC operating the database (if there is a LEC operating the database).~~

~~(6) Records created in a PSAP data base must be available to the LEC for retrieval at least once each normal workday.~~

~~(47) The PSAP and the LEC shall must each disclose, upon inquiry by a customer, whether the customer's line information in the ALI/DMS has been searched within the three years prior to the inquiry. If the line has been searched, the PSAP and the LEC shall must disclose to the customer the information about the search in its respective possession.~~

~~(58) Reverse search shall must not be used for criminal or legal investigations or other non-emergency purposes.~~

WAC 480-120-500 Telecommunications sService quality--General requirements.

(1) ~~The The facilities of telecommunications companies Companies facilities of telecommunications companies shall must be be designed, constructed, maintained, and operated d their facilities to ensure reasonable reasonable continuity of service, the availability of comparable services, and uniformity in the quality of service furnished, and the safety of persons and property.~~

(2) ~~Telecommunications cCompanies shall employ must use shall employ prudent management and engineering practices, including reasonable prudent~~

management and engineering practices, including reasonable appropriate procedures for forecasting ~~to-for~~ forecasting demand for service, to ensure that sufficient facilities and an adequate operating force staff force are available to meet reasonable projected reasonable demands under normal operations under normal operations and all standards set forth in these rules.

(3) These rules are not intended to establish a standard of care owed by a telecommunications company to any consumer(s) or subscriber(s).

WAC 480-120-505 Operator services.

(1) Except as authorized by law, every telecommunications A company providing operator services shall must protect the confidentiality of all communications it carrieds, processeds, or transmitteds by it except as authorized by law.

(2) Each local exchange company shall also be required to providing operator services must:

(a) Develop procedures to be followed by its employees for providing employees must follow to provide operator assistance to consumers and subscribers customers;

(b) Ensure that when automated operator services are provided, consumers and subscribers customers can also readily access a live operator;

(c) Ensure that call timing for operator assisted calls is accurately recorded;

(d) Ensure that all operators receiving 0- and 911 calls are capable of:

(i) eConnecting calls to the appropriate emergency response agency on a twenty-four-hour a day basis; and

(e) Ensure that all emergency 0- calls are routed Routing calls in a manner that will allow prompt access to the proper local emergency service agency.

WAC 480-120-510 Business offices.

Local exchange cCompanies shall must provide applicants for service, consumers, and subscribers customers reasonable access to company representatives for conducting business on a timely basis. Local exchange cCompanies shall must also make available to applicants for service, consumers and subscribers customers a location to a method of making make cash and urgent payments. An urgent payment is a payment which that the company requires upon the threat of disconnection of service. Urgent payments can be made, at a minimum, by cash, debit or credit card.

(1) Each local exchange company serving over fifty thousand access lines, shall Companies must provide business offices or customer service centers accessible by telephone or in person. If one business office or service center serves several exchanges, toll-free calling must be provided from each exchange to the office. Such business offices and service centers shall must be staffed with qualified personnel, including supervisory personnel, to:

(a) pProvide information relating to services and rates;_i

(b) to a Accept and process applications for service;_i

(c) to e Explain charges on customers' bills;_i

(d) to a Adjust charges made in error;_i and

~~(e) g~~ Generally to act as representatives of the company.

~~If one business office or service center serves several exchanges, toll-free calling from those exchanges must be provided from each exchange to the office shall be provided.~~

~~(2) Each local exchange company serving under fifty thousand access lines, shall have at least one business office or customer service center, accessible by telephone or in person. The business office or service center shall be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If the business office or service center serves several exchanges, toll-free calling from those exchanges to the office shall be provided.~~

~~(32) Each company must ensure that:~~

~~(a) A minimum of ninety-eight percent of all call attempts to the company's business office are answered within twenty seconds either by live company representatives or an automated call system; and~~

~~(b) Ninety-nine percent of calls that are completed to an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds.~~

~~(c) For purposes of this section, station busies and unanswered calls will not be counted as completed calls.~~

~~(3) Each local exchange company shall must establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule shall must clearly post and maintain regular business hours. Requirements of this section shall be effective ninety days after the effective date of this rule. The number of payment agencies shall must be determined using the following criteria:~~

~~(a) Exchanges serving over seventy-five thousand access lines shall must have a minimum of one payment agency within the exchange for every fifty thousand access lines.~~

~~(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines shall must have a minimum of one payment agent within the exchange.~~

~~(c) Local exchange companies that do not have exchanges that meet the criteria of (a) or (b) of this subsection, shall serving less than twenty-five thousand access lines must have a minimum of one payment agency.~~

~~(d) A The local business office of the company that accepts customer payments can substitute for the a payment agency required by this subsection and be supported by the same personnel as the business office or customer service center.~~

~~(4) A local exchange company may request a waiver of subsection (3) of this section above. As a condition for waiver, the petitioner must demonstrate that applicants for service, consumers and subscribers customers have a reasonable opportunity to make cash and urgent payments.~~

~~(5) A local exchange company must provide the following information to the commission, in writing, at least thirty days prior to the closing of any business office, customer service center, or payment agency, or as soon as the local exchange company becomes aware of the closure of any business office, customer service~~

center, or payment agency:

- (a) ~~The exchange(s) and communities affected by the closing;~~
- (b) ~~The date of the closing;~~
- (c) ~~A listing of other methods and facility locations available for payment of cash or making cash and urgent payments; and~~
- (d) ~~A listing of other methods and locations for obtaining business office and customer service center services.~~
- (6) ~~A local exchange company may not close a payment location until alternative methods provided for in section 3(c) and (d) above are available to customers.~~

WAC 480-120-515 Network performance standards applicable to local exchange companies. This section establishes ~~All companies, to the extent applicable,~~ must meet the network performance standards which shall be offered by local exchange companies set forth in this section.

~~Except where otherwise specifically provided, the standards applied to each service quality measurement shall be~~ are the minimum acceptable quality of service under normal operating conditions. The standards shall do not establish a level of performance to be achieved during periods of emergency or catastrophe, nor shall do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, holidays, civil unrest, or force majeure, or disruptions of service caused by persons or entities other than the local exchange company. ~~Network performance standards apply to each central office individually.~~ Remote switches serving a different exchange area than the host switch are considered a separate switch.

(1) Central office Switches, including remote switch(es), must meet the following requirements:

(a) ~~Dial service requirements - sufficient dial central office capacity and equipment shall~~ For each central office switch, companies must be provided adequate capacity and equipment to meet the following minimum requirements during any the normal busy hour of the average busy season of the average busy season:

- (i) Dial tone within three seconds on at least ninety-eight percent of calls placed.
- (ii) ~~Complete dialing~~ Completion-Complete dialing of called numbers on at least ninety-eight percent of ~~telephone~~ calls placed without encountering a busy blocking condition within the central office, in host-remote trunks, or in interoffice trunks.

(b) Intercept - dial central office dial equipment shall must be equipped ~~to provide~~ providing adequate operator or recorded announcement intercept.

~~Adequate intercept as used in the preceding paragraph means that the central office be so equipped and arranged to permit the interception of calls to all vacant codes and numbers, and to~~ must provide average busy hour, busy season service levels of less than one percent of calls to intercept reaching busy or no circuit available conditions.

(2) Interoffice facilities.

(a) Local and Extended Area Service (EAS) interoffice trunk facilities shall must have a minimum engineering design standard ~~engineering design standard~~ performance

of B.01 (P.01) level of service.

(b) Intertoll and intertandem facilities shall must have a minimum engineering design standard ~~engineering design standard~~ performance of B.005 (P.005) level of service. Service to an interexchange carrier shall company must be provided at the grade of service ordered and specified by the interexchange carrier company provided the IXC is not delinquent or otherwise in breach of its tariffs or other obligations to the LEC.

(3) Outside plant.

Each local exchange company shall must design, construct and maintain subscriber loops to minimum transmission levels from ~~minimum transmission levels from the subscriber customer network interface or demarcation point as set forth below follows:~~

(a) Voice grade, local exchange service.

(i) Transmission loss (TL) measured from the central office to the subscriber customer network interface must not to exceed - 8.5 dB at 1004 Hz;

(ii) A The minimum line current of ~~20 milliamperes DC~~ measured across an assumed station resistance of 430 ohms must be 20 milliamperes DC;

~~(iii) Total external loop resistance, excluding customer premises equipment (CPE), shall must not exceed the basic range loop resistance requirement of the exchange switch (1500 ohms). Range extension equipment (1800-2800 ohms) should be applied to those subscriber loops which are longer (i.e., having more resistance) than the basic working range of the central office.~~

(iv) The ~~Circuit~~ noise objective on subscriber customer loops measured at the subscriber customer network interface should must be equal to or less than 20.0 dBrnC.

(b) Customer premises equipment (CPE) to switched service(s).

(i) Transmission loss (TL) ~~from the central office to the subscriber network interface must not to exceed~~ - 8.5 dB at 1004 Hz; transmission enhancement may be provided by option.

~~(ii) A minimum line current of 20 milliamperes DC measured across an assumed CPE resistance of 430 ohms.~~

(c) Special circuits.

(i) Each local exchange company with over fifty thousand access lines shall must maintain design criteria for special circuits. Companies must make Cchannel performance criteria shall be made available to subscribers customers by the local exchange company upon request.

(ii) Off premises station circuits shall must not exceed - 5.0 dB at 1004 Hz, from switch demarcation (CPE switch) ~~(CPE switch)~~ to customer station demarcation (CPE station) ~~(CPE station)~~.

(d) Digital services.

~~Each local exchange company shall conform to the following digital private line circuit performance standards:~~

(i) Error-free performance for switched and nonswitched, dedicated circuits, provided over copper transmission facilities, expressed in terms of a percentage of time in seconds when the circuit is available, ~~expressed in terms of a percentage of time in~~

seconds when the circuit is available, shall ~~must not~~ be no less than 98.75% error-free seconds for DS1, 99.86% ~~error-free seconds~~ for DS1 self healing and alternate route protection services, and 99.875% error-free seconds for DDS.

(ii) Error-free performance for nonswitched, dedicated circuits, provided over fiber optic transmission facilities, expressed in terms of a percentage of time in seconds when the circuit is available, expressed in terms of a percentage of time in seconds when the circuit is available, shall ~~must not~~ be no less than 99.86% error-free seconds for DS1 self-healing and alternate-route protection services, and 99.99% ~~error-free seconds~~ for services provided at DS3 and above.

(iii) Circuit availability for nonswitched, dedicated circuits, expressed as the percentage of total calendar month minutes, expressed as the percentage of total calendar month minutes, shall ~~must not~~ be no less than 99.7% of the total calendar month for services provided over copper transmission facilities and 99.9% for services provided over fiber optic transmission facilities. A digital transmission channel is considered unavailable, or in an outage condition, when its bit error rate (BER) in each second is worse than ~~40(-6)~~ 1.0E-610(-6) for a period of ten consecutive seconds.

(iv) ~~Upon the request of a subscriber, A customer may request that a local exchange company may provide to that subscriber digital services that do not meet the performance standards set forth in section (dc)(i) through (iii) of this subsection.~~

(4) Companies must measure network activity at sufficient intervals so that adequate facilities are in place when needed to accommodate growth in traffic.

(5) Each local exchange company must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions, disasters or emergencies can be redirected or call-forwarded to an alternate repair or maintenance service center location of the local exchange company.

~~WAC 480-120-520 Major outages and service interruptions.~~

~~(1) Each local exchange company and interexchange telecommunications company shall All companies must make reasonable provisions to minimize the effects of all major outages, resulting from failures of power service, climate control, fire, explosion, water, storm including those caused by disasters or force majeure. For purposes of this section, a major outage is defined as a service failure lasting for thirty or more minutes, which causes the disruption of local exchange or toll services to more than one thousand subscribers, or which causes the total loss of service to a governmental emergency response agency.~~

~~(2) Each local exchange company and interexchange telecommunications company shall All companies must inform and train pertinent employees as to procedures to be followed in the event of a major outage in order to prevent or minimize interruption or impairment of service in the event of a major outage, including one caused by disaster or force majeure.~~

~~(3) Each local exchange company and interexchange telecommunications company shall maintain, revise, and provide to the commission upon request, current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.~~

Each local exchange company and interexchange telecommunications company shall maintain on file with the commission's disaster services coordinator the titles and telephone numbers of the local exchange and interexchange telecommunications company's disaster services coordinator and alternates. For coordination of disaster response and recovery operations, each local exchange company and interexchange telecommunications company shall maintain on file with the Washington state emergency management division, communications office, the titles and telephone numbers of the company's local or regional network operations center or emergency operations center.

~~(43) Upon notification or detection of a major outage, each local exchange company and interexchange telecommunications company shall must, as soon as reasonably practicable possible, notify the commission's disaster services coordinator commission. In addition, when a major outage is deemed as an outage that may require coordination of disaster response and recovery operations, it shall also be reported to the department of community development affects any governmental emergency response facilities facility (who is this?), the company is required to notify immediately immediately notify the affected public safety answering points (PSAPs) and the state emergency management division and thereafter provide periodic updates on the status of the outage. All companies will coordinate service restoration with the state emergency management division if requested to do so. During major disaster response and recovery operations, restoration and progress of recovery work will be coordinated, monitored and maintained in the state's emergency operations center.~~

~~A company affected by a major outage shall report daily to the commission on the progress of restoration and recovery work until full network recovery has been obtained.~~

~~When service has been fully restored the company shall report to the commission within thirty days details about the cause of the interruption and the steps taken to prevent any recurrence. This requirement shall not apply to interruptions to service made by the company in accordance with the provisions of contracts between the company and its subscribers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.~~

~~(54) Each local exchange company and interexchange telecommunications company shall develop and implement procedures for the dissemination of information about major outage recovery efforts to the news media, public, and public officials.~~

~~Major outages must receive priority attention.~~

~~(a) Outages affecting public health and safety must receive attention first and be repaired immediately if possible.~~

~~(b) Other services must be restored within twelve hours unless conditions beyond a company's control prevent service restoration.~~

~~(c) Outages affecting intercompany trunk and toll trunk service must be restored as follows:~~

~~(i) Intercompany trunk and toll trunk service not meeting service requirements must be repaired within four hours after the problem is reported. If the problem is not corrected within four hours, the company must keep all other affected companies advised on a daily basis of the status of restoration efforts.~~

(ii) In the event of total isolation between near and far end network switches, the response must be immediate and repairs must be made as soon as possible.

~~(65) Local exchange companies and interexchange telecommunications companies shall keep a record of each major outage, including a statement of the time, cause, extent, and duration of the interruption. A company affected by a major outage must report daily to the commission on the progress of restoration efforts until the full network recovery is achieved.~~

~~(a) Company initiated major outages in accordance with the contract provisions between the company and its customers, or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company are not included in this reporting requirement.~~

~~(76) Whenever, in connection with its work, a local exchange company or interexchange telecommunications company intends to interrupt service, those subscribers who may be affected shall be notified in advance, unless exigencies of the situation do not permit. All companies must develop and implement procedures for dissemination of information to the public, public officials, and news media about major outage recovery efforts, including a statement of the time, cause, extent and duration of the interruption.~~

~~(a) When a company intends to interrupt service to an extent that it is a major outage, customers who are affected must be notified not less than seven days in advance unless circumstances do not permit. When circumstances do not permit notification seven days in advance, the company must give notification as soon as it plans to interrupt service.~~

~~(7) All companies must keep a record of each major outage including a statement of the time, cause, extent and duration of the interruption.~~

~~(8) All reported interruptions of telecommunications service shall be restored within two working days, excluding Sundays and holidays, except interruptions caused by emergency situations, unavoidable catastrophes, and force majeure.~~

~~(9) Cases of service interruptions affecting public health and safety shall receive priority restoral attention under any and all conditions, particularly in time of disaster. Every appropriate resource must be utilized. Service shall be restored within twelve hours unless conditions beyond the company's control prevent service restoration.~~

~~(10) Each local exchange company shall test and attempt to correct any service affecting intercompany and toll trunk problem (except a total outage) within four hours after the problem is reported. For the purposes of this section, service affecting problems are those that create an "all circuits busy" condition. If the problem is not corrected within this time frame, the company shall keep all other affected telecommunications utilities advised on a daily basis as to the current status. For a total outage (total isolation between near and far end network switches), the response time shall be immediate and repairs shall be effected as soon as possible.~~

~~(11) Each local exchange company shall by June 1993, where economically and technically feasible, arrange and design incoming trunks to the primary repair service center so that traffic overflows during emergencies can be redirected or call forwarded to an alternate repair/maintenance service center location of the local exchange company.~~

WAC 480-120-525 Network maintenance.

~~(1) Except during periods of emergency operation, each local exchange company shall must answer eighty percent of repair calls within thirty seconds.~~

~~(1) (2)~~ Each local exchange company shall adopt must implement maintenance procedures and employee instructions aimed at achieving efficient operation of its system so as to~~aimed at achieving efficient operation of its system so as to~~ that permit the rendering of safe, adequate, reliable and continuous service at all times. Effective Adequate maintenance shall must include, but not be limited to, keeping all facilities in safe and serviceable repair. Examples are:

(a) Hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist, shall must be immediately corrected immediately. ~~The accumulation of trash and other fire hazards in or upon central office premises shall not be permitted.~~

(b) Broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service, shall must be promptly repaired or replaced.

(c) Transmission problems, including noise induction, cross-talk, or other poor transmission characteristics on any channel, shall must be promptly corrected when located or identified.

(d) Central offices equipped with automatic start generators shall must have three hours reserve battery capacity, ~~and~~ ~~Central offices without automatic start generators, shall~~ must have a minimum of five hours reserve battery capacity. For each office without permanently installed emergency power facilities, the company shall must ensure access to a readily connectable mobile power unit with enough power capacity to carry the load and which can be delivered within one half of the expected battery reserve time.

(e) Trouble reports by exchange from customers shall must not exceed four trouble reports per one hundred access lines per month for two consecutive months, nor shall they exceed four trouble reports per month for four months in any one twelve-month period. This standard shall does not apply to trouble reports relating related to the operation of customer premises equipment CPE or inside wiring, nor shall does it apply to extraordinary or abnormal conditions of operation, such as those resulting from emergency or catastrophe or disruptions during to extraordinary or abnormal conditions of operation, such as those resulting from emergency or catastrophe or disruptions during emergencies- work stoppages, civic unrest, force majeure or major outages of service caused by persons or entities other than the local exchange company.

(f) ~~Test apparatus should~~ Companies must should be installed and maintained test apparatus at appropriate locations to determine the operating characteristics of network systems.

(g) ~~Air pressurization policies and an air pressurization alarm monitoring program should~~ For the safe and continuous operation of underground cables, companies must be established air pressurization policies and an air pressurization alarm monitoring program where appropriate for the continuous and safe operation of pulp underground cables.

(h) Sufficient portable power systems should ~~must should~~ be available to support up to the largest remote ~~subscriber carrier~~ customer company site.

(i) ~~If technically and economically feasible, route and circuit diversity should be established within the network~~ If technically and economically feasible, route and circuit diversity should Companies must be established route and circuit diversity for signal system 7 "A" links (?) within the network, particularly where interoffice and toll network performance and integrity could be at risk.

~~(3) Each company must ensure that:~~

~~(a) a minimum of ninety-eight eighty percent of all call attempts to the company's repair office are answered within twenty seconds either by live company representatives or an automated call system: and~~

~~(b) ninety-nine percent of calls that are answered by an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds.~~

~~(c) for purposes of this section, station busies and unanswered calls will not be counted as completed calls.~~

WAC 480-120-530 Emergency services.

(1) At least once every twenty-four hours, each local exchange company and each interexchange telecommunications company owning, operating, or maintaining any portion of any dedicated 911 circuit shall must manually test, for continuity, ~~such the~~ portion of the 911 circuit which it owns, operates, or maintains; ~~provided, however, that the foregoing requirement shall~~ This section does not apply to any dedicated 911 circuit, or portion thereof, with respect to which if either (a), (b), or (c) of this subsection, or any combination thereof, below is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity; or

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours.

~~(2) Any dedicated 911 circuit found to be defective shall must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs shall must be undertaken promptly and pursued diligently by the telecommunications company which that has responsibility for operating and/or maintaining the circuit. Nothing in this section shall be construed to require any telecommunications company~~ Companies are not required to test or repair any portion of any dedicated 911 circuit which is they do not owned, operated, or otherwise maintained by it.

~~(23) Each local exchange company shall must develop and institute by April 1, 1993, a circuit identification and protection program for dedicated 911 circuits. The program shall be fully implemented by July 1994. This program shall~~ Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified as such in every the central office and the remote switch.

WAC 480-120-535 Service quality performance reports.

Beginning June 1, 1993, each ~~LE~~Every local exchange company shall must submit the following reports as indicated:

(1) ~~Each local exchange company shall demonstrate u~~Upon request by the commission that the performance of its central office switch(es) meets acceptable central office performance standards.

(2) ~~Local exchange companies with less than fifty thousand access lines shall~~ Companies exempt from reporting requirements under RCW 80.04.530 must file appropriate reports according to subsection section (3)(a) through (c) of this section below, when deemed necessary by the commission, and shall file the report required by subsection 3(d) of this section on a monthly basis. Companies must maintain Pperformance records for such companies shall be kept in a format suitable for each local exchange company's operation and in such condition that they can be forwarded to the commission upon request or as of the information required by this section (3)(a) through (e) in a format suitable for the company's operation and in such condition that they can be forwarded to the commission upon request.

(3) Local exchange companies with ~~over~~ fifty thousand or more access lines shall must report monthly the information required by (a) through (de) of this subsection below.

(a) Installation ~~appointments- commitments~~ met. This A report measures showing the percentage of ~~appointments-orders~~ for the connection of service met on the commitment date. The actual date on which installation was completed shall will be compared to the applicable commitment date to determine the percentage number of appointments commitments -met.

(b) Held orders. ~~For purposes of this section a held order is any request for primary exchange service that is not filled on or before the commitment date. This A~~ report measures consisting of the provisioning of primary number of unfilled orders for primary exchange access lines in locations where there are presently no company services or facilities, and locations where service is presently being provided, but where the company is temporarily unable to provide service to new subscribers because of a lack of facilities. ~~The number of held orders shall be expressed as a ratio per one hundred new or reestablished lines ordered. service and including the total number of unfilled orders , the total number of lines in the unfilled orders, and the number of total orders for each central office. The report must identify the number of orders and lines held more than five days and the number of orders and lines held more than ninety days.~~

(c) Regrade orders held. Major Outages. This report measures the number of requests for higher grades of service (e.g., a request to upgrade from multiparty to single party service) unfilled for more than thirty days. The number of regrade requests unfilled for more than thirty days shall be expressed as a ratio per one hundred requests for regrades (new requests plus unfilled requests from the previous months). A report consisting of a description of each major outage and including a statement of the time, cause, extent, and duration of the interruption and, when applicable, a

description of preventive actions to be taken to avoid future outages.

(d) Trouble reports. This A report measures consisting of the number of subscribers indicating improper functioning customers' access lines by exchange experiencing a malfunction in or loss of service. The total number of initial trouble reports (including repeated reports) shall be expressed as a ratio per one hundred lines in-service. Trouble reports (including repeated reports) must be calculated as a ratio per one hundred lines in service related to customer premises equipment shall not be included. This measurement shall be reported on an exchange basis. The report must include an explanation of causes for each exchange that exceeds the service quality standard established in 480-120-525(e). Trouble conditions due to acts of nature (rodents, atmospheric conditions, etc.), cable cuts, power outages or traffic accidents may be excluded from trouble report calculations. Trouble reports caused by customer provided equipment or inside wiring are not included in this report.

(e) Interoffice, intercompany and interexchange trunk blocking. A report consisting of a list of interoffice, intercompany and interexchange trunk groups that exceed the performance standards set forth in 480-120-515(2)(a) and (b). For each trunk group exceeding the standard, the following information must be provided:

(i) The peak percent blocking level experienced during the preceding month;

(ii) The number of trunks in the trunk group; and

(iii) The busy hour when peak blockage occurs.

The report must also include an explanation of steps being taken to relieve blockage on any trunk groups exceeding the standard for two consecutive months.

(f) service interruptions restored within forty-eight hours, and service interruptions not restored within forty-eight hours.

(4) When the commission believes it is necessary to investigate or address such problems as excessive levels of subscriber or consumer complaints, or otherwise to protect the public interest, the commission may request further detailed information may be requested from companies with more than fifty thousand access lines for subsection (3)(a) through (d) of this section, detailed by geographic or area and type of service unit. Performance Service quality records for such companies shall will be kept in a format suitable for each local exchange company's operation acceptable to the commissionsuitable for each local exchange company's operation and in such condition that they can be forwarded to the commission upon request.