

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	DOCKET UT-010610
Qwest Corporation	)	
	)	ORDER GRANTING WAIVER
For Waiver of WAC 480-120-088	)	OF WAC 480-120-088
Automatic Dialing-Announcing Devices	)	AUTOMATIC DIALING-
.....	)	ANNOUNCING DEVICES
	)	

**BACKGROUND**

1 By petition filed April 27, 2001, in Docket UT-010610, Qwest Corporation (“Qwest”), requests a waiver of certain provisions of WAC 480-120-088, Automatic Dialing-Announcing Devices (ADAD). Qwest requests the waiver of specified sections of the rule only as it applies to the “I-CALLED” Service, which allows a caller to leave name and number information for future delivery when the called party does not answer. The waiver request was brought before the Commission at its regularly scheduled open public meeting of May 30, 2001.

**DISCUSSION**

2 On January 24, 2001, in Docket UT-001953, the Commission ordered Qwest to provide notice to customers of an additional feature called the “I-CALLED” Service. The Commission took no action on the tariff revision implementing the service, and the tariff revision became effective by operation of law on January 26, 2001. At that time Commission Staff expressed a concern that the service appeared to conflict with the ADAD rule and that neither the filing of a tariff revision nor the required notice to customers addressed this compliance issue.

3 Qwest seeks the waiver of the following sections of WAC 480-120-088: (1) pertaining to a prior agreement from the called party; (2) pertaining to a human operator announcement prior to the delivery of the recorded message; (3)(a) pertaining to the specified information to be provided; and (5) pertaining to the exclusion of calling unlisted numbers.

4 WAC 480-120-088 requires certain conditions to be met before a service using an ADAD may be deployed. The rule was framed in part, to protect consumers from recorded advertising and telemarketing services. As a call completion service, the I-CALLED service will not be used to solicit or advertise for Qwest’s or other businesses’ services or goods. Additionally, the I-CALLED service will automatically exclude 911 emergency numbers.

5 The Commissioners, having been fully advised in the matter, and having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order.

**ORDER**

6 THE COMMISSION ORDERS that the request for waiver of certain provisions of WAC 480-120-088, Automatic Dialing-Announcing Devices, as they apply to the "I- Called" Service, by Qwest Corporation is granted as conditioned in the text of this Order. This waiver, unless revoked earlier by the WUTC, expires on the earlier of April 1, 2002, or the effective date of the next revision to WAC 480-120-088.

DATED at Olympia, Washington this        day of May, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary

