

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET NO. UT-040096
)	
Qwest Corporation,)	ORDER NO. 01
)	
Petitioner,)	
)	
Seeking Temporary Exemption)	
from the Provisions of)	
WAC 480-120-263(3)(b), (5)(c) and)	
(d), Pay phone Service Providers,)	
and WAC 480-120-450(1)(c),)	ORDER GRANTING
Enhanced 9-1-1 Obligations of)	TEMPORARY EXEMPTION
Local Exchange Companies)	FROM RULES
.....)	

BACKGROUND

- 1 On January 22, 2004, Qwest Corporation (Qwest) filed a petition requesting exemption from the provisions of WAC 480-120-263(3)(b), (5)(c) and (d), and WAC 120-450(1)(c). These rules require pay phone service providers to allow access to E-911 at all pay phones.
- 2 Qwest initially filed a petition on May 23, 2003, asking for an exemption from specific rules that would allow it to route E-911 calls made from designated pay phones to the hospital's communications center instead of the public safety answering point (PSAP). The Commission granted the exemption on June 11, 2003. The exemption allowed Qwest to redirect E-911 calls placed from the designated pay phones to the hospital's communications center. Communications center personnel would evaluate the call and, if deemed to be an emergency, would route the call to the PSAP. After receiving the exemption, however, Qwest realized that its pay phones at Western State Hospital did not have the proper technology to reroute E-911 calls from its communication center to the PSAP.

- 3 Subsequently, on January 22, 2004, Qwest Corporation (Qwest) petitioned the Commission for a temporary exemption from certain provisions of WAC 480-120-263 and WAC 480-120-450(1)(c). Qwest asks, in its petition, that it be exempted from the E-911 requirements for 60 days for three pay phones located within Western State Hospital. Hospital staff has access to E-911 at all times, including those areas where pay phones will have the Emergency Quick Access key access to E-911. Wards are staffed 24 hours a day, seven days a week with two or more direct care staff. There are three or four phones in the central nurse's station on each ward and a phone in each individual on-ward office space. All of these phones are non-pay phones and E-911 capable.
- 4 Instead of E-911 access, patients or other users would push a 'Quick Access Key' on the pay phone, designated by the word "emergency" in bright red letters. The emergency key is directly connected to the hospital's communications center. The pay phone number is displayed by the communications center's PBX. Communications center personnel can locate the ward that originated the emergency call and take appropriate action to deal with the situation. If an actual emergency exists, the hospital staff will follow its normal procedures for a medical emergency or fire.
- 5 Commission Staff reviewed the request and recommended granting QWEST's request for a 60-day temporary exemption of the above-referenced rules.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.36 RCW.*

- 7 (2) Qwest is engaged in the business of providing telecommunications services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.36 RCW.
- 8 (3) Qwest is subject to the provisions of WAC 480-120-263(3)(b), (5)(c) and (d), and WAC 480-120-450(1)(c), requiring telecommunications companies, and specifically, pay phone service providers to allow access to E-911 from all pay phones.
- 9 (4) WAC 480-120-015 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-120 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on February 11, 2004.
- 11 (6) After review of the petition filed in Docket UT-040096 by Qwest on February 11, 2004, and giving due consideration, the Commission finds that the 60-day temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, Qwest Corporation is granted a temporary exemption for 60 days from WAC 480-120-263(3)(b), (5)(c) and (d), and WAC 480-120-450(1)(c) for three pay phones located within Western State Hospital.

- 13 (2) The Commission retains jurisdiction over the subject matter and Qwest Corporation to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 11th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner