

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

In the Matter of the Petition of	)	DOCKET NO. UT-041937
	)	
FSH COMMUNICATIONS, LLC,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	
Provisions of	)	
WAC 480-120-263(3)(b), (4)(d),	)	
(5)(c) and (d), Pay phone Service	)	
Providers, and WAC 480-120-	)	
450(1)(c), Enhanced 9-1-1	)	ORDER GRANTING
Obligations of Local Exchange	)	PERMANENT EXEMPTION
Companies	)	FROM RULES
.....	)	

**BACKGROUND**

- 1     On November 1, 2004, FSH Communications, LLC (FSH) filed a petition requesting exemption from certain provisions of WAC 480-120-263(3)(b), (4)(d), (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. On August 23, 2004, FSH purchased Qwest Corporation (Qwest) pay phones, including the pay phones located at Western State Hospital.
- 2     On February 11, 2004, Qwest filed, and the Commission granted, a petition for temporary exemption from these same rules. The exemption allowed Qwest and the hospital to conduct a 60-day trial of its Emergency Quick Access Key on three designated pay phones, redirecting E-911 calls to the hospital’s communications center instead of the public safety answering point (PSAP).
- 3     Instead of E-911 access, patients or other users 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 locate the ward that originated the emergency call and take appropriate action to deal with the situation. If an actual emergency exists, the call is rerouted to E-911 by the communications center.

- 4 Hospital staff has access to E-911 at all times, including in those areas where pay phones will have the Emergency Quick Access key access to E-911. Wards are staffed 24 hours a day, 7 days a week, with two or more direct care staff. There are three or four phones at the central nurse's station on each ward and a phone in each individual on-ward office. All of these phones are non-pay phones and E-911 capable.
- 5 During the trial period, there were no emergency calls directed to the hospital's communications center from the 3 phones retrofitted with the Emergency Quick Access Key. During this same period, there were 262 false E-911 calls placed by patients from pay phones located elsewhere in the hospital on pay phones that were not retrofitted with the Emergency Quick Access Key.
- 6 On July 1, 2004, Qwest asked in a subsequent petition that it be exempted from the E-911 requirements for all its pay phones located within Western State Hospital and be allowed to retrofit its Emergency Quick Access Key on each of these phones. The Commission granted, on August 11, 2004, a 60-day temporary exemption of the above-referenced rules to conduct a trial on all its pay phones located at Western State Hospital. The trial period was from August 30, 2004, through October 28, 2004.
- 7 Commission staff reviewed the results of the recent 60-day trial on all FSH's pay phones located at Western State Hospital. During the trial, a total of 166 calls were directed to the hospital's communication center using the Emergency Quick

Access Key. Of these calls, there were zero (0) legitimate emergencies. Staff recommended granting a permanent exemption of the above-referenced rules.

### FINDINGS AND CONCLUSIONS

- 8 (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.*
- 9 (2) FHS 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.
- 10 (3) FSH is subject to the provisions of WAC 480-120-263(3)(b), (4)(d), (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.
- 11 (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.
- 12 (5) This matter was brought before the Commission at its regularly scheduled meeting on December 10, 2004.

- 13 (6) After review of the petition filed in Docket UT-041937 by FSH on November 1, 2004, and giving due consideration, the Commission finds that the permanent exemption is reasonable and should be granted.

## O R D E R

### THE COMMISSION ORDERS:

- 14 (1) Effective December 11, 2004, FHS Communications, LLC is granted a permanent exemption from WAC 480-120-263(3)(b), (4)(d), (5)(c) and (d), and WAC 480-120-450(1)(c) for its pay phones located within Western State Hospital, on the condition that the company automatically directs emergency calls from its pay phones located within the hospital to the hospital's communications center.
- 15 (2) The Commission retains jurisdiction over the subject matter and FSH Communications, LLC to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 10<sup>th</sup> day of December, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner