

ATTACHMENT –COMMENT SUMMARY
UT-060676
Price List Elimination Rulemaking
Chapters 480-80, 480-120, and 480-121 Telecommunications Rules

December 13, 2006

WAC/Issue	Interested Person	Comments	
General Comments	Verizon	In order to delete references to price lists Verizon recommends the use of the term competitive contract. Numerous rule revisions are affected.	
	Verizon	During the interim period June 2006 – June 2007 companies may maintain price lists on file with the commission yet these new rules will become effective in the mean-time, eliminating price list filing guidelines. The commission needs to retain price list rules in place for companies that have not yet withdrawn their price lists.	

WAC/Issue	Interested Person	Comments	
480-120-061 Refusal of Service			
The proposal removes the reference to “price list” in the rule and replaces it with a reference to “. . . rates, terms, and conditions pursuant to competitive classification”.	Qwest,	Qwest believes such a reference is necessary because SSB 6473 did not affect the application of WAC 480-120-061 to competitively classified services. Qwest does recommend that the reference be made clearer by restating it as follows: “. . . rates, terms and conditions <u>of services provided</u> pursuant to competitive classification . . .”	
480-120-104			
Paragraphs 1 and 2 of current rule require welcome packages to new customers and notices of material changes. The Supplemental CR-102 proposal maintains requirements and the exemption from the requirements for contracts pursuant to competitive classification but adds the qualifier that only written contracts are exempt.	Verizon , Qwest	Carriers asked that the exception to the requirements be maintained for competitive contracts and there was no opposition to adding the qualifier that the exception applies only to written comments.	
480-120-172 Discontinuing service – company initiated			
The proposal removes the reference to “price list” in the rule and replaces it with a reference to “. . . rates, terms, and conditions pursuant to competitive classification”.	Qwest	Qwest recommends the following changes to delete reference to rates: “(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if: (a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or rates, terms and conditions of competitively classified services; (c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or rates, terms and conditions of competitively classified services . . .”	

WAC/Issue	Interested Person	Comments	
480-120-161 Form of Bills			
Companies object to Web posting requirement and to requirement to print Web address on bills.	Qwest , Verizon, etc	This mandate is not authorized by law and would interfere with companies’ management of the contracting process for competitive services. While some companies may choose to use a web-based approach for some or all services, others may not.	
480-120-264 Prepaid calling services			
Requires conformance with companies’ service conditions.	Qwest	For clarity and grammar, Qwest recommends the following changes: “(3)(b) At the customer’s request, PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those <u>in tariffs</u> on file on tariff with the commission or at rates, terms and conditions <u>for services provided</u> pursuant to competitive classification.”	
NEW SECTION 480-120-266			
(1)(b) The commission will, when appropriate, investigate or complain against a rate, term or condition provided pursuant to competitive classification. (1)(c) If the commission determines that a rate, term or condition for service offered pursuant to competitive classification is ambiguous, there is a rebuttable presumption that the ambiguity should be construed in the favor of the customer.	Qwest, Verizon, Embarq Embarq	(1)(b-c) rule impermissibly expands the scope of the statute, which limits the Commission’s authority to investigate prices. Embarq suggests substitute language lifted from RCW 80.36.330(4): “The commission may investigate prices for competitive telecommunications services upon complaint. In any complaint proceeding initiated by the commission, the telecommunications company providing the service shall bear the burden of proof of proving that the prices charged cover cost, and are fair, just, and reasonable.”	

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480-120-266 (2)			
(2) requires companies to make information about service available the Internet	Verizon, Embarq, Qwest	<p>Parties claim that RCW 80.36.100(5) exempts competitive services from the requirement to publish information about intrastate services so this section continues to be the most problematic of the proposed rules because it would exceed the Commission's jurisdiction. This proposed section should not be adopted.</p> <p>Embarq has no objection.</p> <p>Qwest says that while less explicit than the prior version, the proposal still appears to set forth commission requirements in connection with the communication of information about competitively classified services that are beyond the commission's current authority.</p>	
480-120-266 (3)			
(3) price floor for competitive services under RCW 80.36.330 based upon cost of service.	Parties	Parties object to any references to the commission regulating competitive rates.	
WAC 480-121-020 (2)(a) Requirements for applications for registration			
2) Applications for registration must be filed with a petition for competitive classification. Revisions to the rules strike the requirement to file a price list together with the application for registration.	Public Counsel	<p>Reviewing amended WAC 480-121-020, Public Counsel notes that the term "price list" is removed without any substitution. Public Counsel suggests amending the rule to require that a newly registered, competitive company must still tell the Commission about its list of services.</p> <p>Public Counsel also recommends that a list of initial charges for services be provided.</p>	

WAC/Issue	Interested Person	Comments	
WAC 480-120-161 Form of bills. WAC 480-120-263 Pay phone service providers (PSPs). WAC 480-120-450 (3) Enhanced 911 (E911) obligation of local exchange companies. WAC 480-120-540 Terminating access charges.			
	Qwest	These rules all include references to revised proposed new WAC 480-120-266(2) and need to be modified consistent with any changes the Commission makes to WAC 480-120-266.	