

UT-990146

Chapter 480-120

Telecommunications Operations

Pre-Proposal Draft

February 14, 2002

This document is provided to stakeholders so that they may respond to the Small Business Economic Impact Statement (SBEIS) questionnaire at <<http://www.wutc.wa.gov/990146/SBEIS>> and so that stakeholders may prepare oral comments on draft rules that will be taken at the Open Meeting of the Commission on March 27, 2002 (See notice for details).

This document contains rules concerning customer private account information (WAC 480-120-202 through 480-120-217). These rules were prepared after two public meetings, an opportunity to file written comments, and an Open Meeting discussion dedicated to this topic.

TABLE OF CONTENTS

| | |
|--|-----------|
| PART I. GENERAL RULES..... | 10 |
| 480-120-011 Applicaton of rules..... | 10 |
| 480-120-015 Exemptions from rules in chapter 480-120 WAC..... | 10 |
| 480-120-016 Additional requirements..... | 10 |
| 480-120-017 Severability..... | 10 |
| 480-120-019 Telecommunications service quality—General requirements. Telecommunications performance requirements—enforcement. | 10 |
| 480-120-021 Definitions..... | 11 |
| 480-120-026 Tariffs and price lists. | 18 |
| 480-120-028 Registration. | 18 |
| 480-120-061 Refusal of Refusing service..... | 18 |
| PART II. ESTABLISHING SERVICE AND CREDIT | 19 |
| 480-120-102 Service offered. | 19 |
| 480-120-103 Local calling areas..... | 20 |
| 480-120-104 Application for service. | 20 |
| 480-120-105 Availability of information Information to consumers. | 21 |
| 480-120-107 Company performance standards for installation or activation of access lines..... | 22 |
| 480-120-108 Installation and activation credits..... | 23 |
| 480-120-109 Missed appointment credits..... | 24 |
| 480-120-112 Company performance for orders for non-basic services..... | 25 |
| 480-120-122a Establishment of Establishing credit--Residential services..... | 25 |
| 480-120-122b Establishment of Establishing credit--Residential services..... | 28 |
| 480-120-123 Establishment of Establishing credit--Business services..... | 30 |
| 480-120-124 Guarantee in lieu of deposit..... | 31 |
| 480-120-125 Deposit or security--Telecommunications resellers. | 32 |
| 480-120-127 Protection of customer prepayments..... | 32 |
| 480-120-128 Deposit administration..... | 32 |
| 480-120-132 Business offices. | 33 |
| 480-120-133 Response time for calls to business office or repair center. | 33 |
| 480-120-145 Extension of Extending service. | 33 |
| 480-120-146 Service transfer Changing service providers from one local exchange company to another. | 33 |
| 480-120-147 Changes in local exchange and intrastate toll services. | 34 |
| PART III. PAYMENTS AND DISPUTES | 38 |
| 480-120-161 Form of bills..... | 38 |
| 480-120-162 Cash and urgent payments. | 40 |
| 480-120-163 Refunding an for overcharge..... | 41 |
| 480-120-164 Pro-rata credits..... | 41 |
| 480-120-165 Complaints and disputes. | 42 |
| 480-120-166 Customer complaints— Responding to commission. | 42 |

| | | |
|--|--|-----------|
| 480-120-167 | Company responsibility. | 44 |
| PART IV. DISCONTINUING AND RESTORING SERVICE..... | | 44 |
| 480-120-171 | Discontinuation of Discontinuing service--Customer requested. | 44 |
| 480-120-172 | Discontinuation of Discontinuing service--Company initiated. ... | 45 |
| 480-120-173 | Restoring service after discontinuation..... | 50 |
| 480-120-174 | Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility. | 51 |
| PART V. POSTING AND PUBLICATION NOTICE | | 51 |
| 480-120-193 | Posting of tariffs for public inspection and review..... | 52 |
| 480-120-194 | Publication of proposed tariff changes to increase charges or restrict access to services..... | 52 |
| 480-120-195 | Notice of tariff changes other than increases in recurring charges and restrictions in access to services. | 52 |
| 480-120-196 | Customer notice requirements--Competitively classified telecommunications companies or services. | 52 |
| 480-120-197 | Adjudicative proceedings where public testimony will be taken. | 52 |
| 480-120-198 | Notice verification and assistance. | 52 |
| 480-120-199 | Other customer notice. | 52 |
| PART VI. CUSTOMER INFORMATION | | 52 |
| 480-120-201 | Telephone solicitation..... | 52 |
| 480-120-202 | Using a customer's call detail information. | 54 |
| 480-120-203 | Using private account information in the provision of services. | 54 |
| 480-120-204 | Using private account information during an inbound call. | 54 |
| 480-120-205 | Using private account information for marketing related services. | 55 |
| 480-120-206 | Using private account information for marketing unrelated services. | 55 |
| 480-120-207 | Notice when use of private account information is permitted unless a customer directs otherwise ("opt-out")..... | 55 |
| 480-120-208 | Mechanisms for opting out of use, disclosure, and access to private customer account information. | 57 |
| 480-120-209 | Notice when explicit ("opt-in") approval is required..... | 57 |
| 480-120-211 | Confirming change in approval status. | 59 |
| 480-120-212 | Duration of customer approval or disapproval..... | 59 |
| 480-120-213 | Safeguards required for using private account information. | 59 |
| 480-120-214 | Disclosing customer proprietary network information. | 59 |
| 480-120-215 | Use of Using privacy listings for telephone solicitation. | 60 |
| 480-120-216 | Using subscriber list information for purposes other than directory publishing..... | 60 |
| PART VII. TELECOMMUNICATIONS SERVICES | | 60 |
| 480-120-251 | Directory service..... | 60 |
| 480-120-252 | Intercept services. | 61 |
| 480-120-253 | Automatic dialing-announcing device (ADAD)..... | 62 |
| 480-120-254 | Information delivery services. | 64 |
| 480-120-255 | Caller identification service..... | 65 |

| | | |
|--|---|-----------|
| 480-120-256 | Emergency services..... | 66 |
| 480-120-261 | Operator services..... | 66 |
| 480-120-262 | Operator service providers (OSPs)..... | 66 |
| 480-120-263 | Pay phone service providers (PSPs)..... | 70 |
| 480-120-264 | Prepaid calling services..... | 73 |
| PART VIII. FINANCIAL RECORDS AND REPORTING RULES..... | | 73 |
| 480-120-301 | Accounting requirements for competitively classified companies. | 73 |
| 480-120-302 | Accounting requirements for companies not competitively classified as competitive..... | 73 |
| 480-120-303 | Reporting requirements for competitively classified companies. | 75 |
| 480-120-304 | Reporting requirements for companies not competitively classified as competitive..... | 75 |
| 480-120-305 | Streamlined filing requirements for Class B telecommunications company rate increases..... | 76 |
| 480-120-311 | Access charge and universal service reporting..... | 77 |
| 480-120-312 | Universal service cost recovery authorization..... | 78 |
| 480-120-313 | Terminating access charges..... | 79 |
| 480-120-321 | Expenditures for political or legislative activities..... | 80 |
| 480-120-322 | Retention Retaining and preservation of preserving records and reports..... | 80 |
| 480-120-323 | Washington Exchange Carrier Association (WECA)..... | 80 |
| PART IX. SAFETY AND STANDARDS RULES..... | | 81 |
| 480-120-401 | Network performance standards..... | 81 |
| 480-120-402 | Safety..... | 82 |
| 480-120-411 | Network maintenance..... | 83 |
| 480-120-412 | Major outages..... | 83 |
| 480-120-413 | Collocation..... | 85 |
| 480-120-414 | Emergency operation..... | 85 |
| 480-120-436 | Responsibility for drop facilities and support structure..... | 85 |
| 480-120-437 | Responsibility for maintenance and repair of facilities and support structures..... | 86 |
| 480-120-438 | Trouble report standard..... | 86 |
| 480-120-439 | Service quality performance reports..... | 87 |
| 480-120-440 | Repair standards for sService interruptions and impairments, excluding major outages..... | 89 |
| 480-120-450 | Enhanced 9-1-1 (E911) obligations of local exchange companies..... | 90 |
| 480-120-451 | Local exchange carrier contact number for use by public safety answering points (PSAPs)..... | 92 |
| 480-120-452 | Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base--When permitted..... | 92 |
| PART X. ADOPTION BY REFERENCE..... | | 93 |
| 480-120-999 | Adoption by reference..... | 93 |
| REPEALED..... | | 94 |

| | |
|--|----|
| 480-120-121 Responsibility for delinquent accounts. | 94 |
| 480-120-131 Reports of accidents..... | 94 |
| 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). | 94 |
| 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). | 94 |
| 480-120-153 Safeguards required for use of customer proprietary network information.(CPNI)..... | 94 |
| 480-120-154 Definitions..... | 94 |

NOTE:

Most other rules that are included in this document will be repealed and replaced by the sections that appear in this document. For example, WAC 480-120-106 (Form of bills) will be repealed when WAC 480-120-161 (Form of bills) is adopted.

A cross-reference chart of current WAC numbers and WAC numbers to be adopted follows.

Chapter 480-120 WAC Telecommunications Operations

Cross-reference of WAC numbers

| Old WAC numbers to New | New WAC numbers to Old |
|---|---|
| PART I. GENERAL RULES | PART I. GENERAL RULES |
| 480-120-011 - Same | 480-120-011 - Same |
| 480-120-015 – Same | 480-120-015 – Same |
| 480-120-016 – Same | 480-120-016 – Same |
| 480-120-545 – 480-120-017 | 480-120-017 - 480-120-545 |
| 480-120-500 – 480-120-019 | 480-120-019 – 480-120-500 |
| 480-120-021 – Same | 480-120-021 – Same |
| 480-120-026 – Same | 480-120-026 – Same |
| 480-120-028 – Same | 480-120-028 – Same |
| 480-120-061 – Same | 480-120-061 – Same |
| Part II. ESTABLISHING SERVICE AND CREDIT | Part II. ESTABLISHING SERVICE AND CREDIT |
| 480-120-046 – 480-120-102 | 480-120-102 - 480-120-046 |
| 480-120-045 – 480-120-103 | 480-120-103 - 480-120-045 |
| 480-120-051 – 480-120-104 | 480-120-104 - 480-120-051 |
| 480-120-041 – 480-120-105 | 480-120-105 – 480-120-041 |
| 480-120-XXX - 480-120-107 | 480-120-107 - 480-120-XXX |
| 480-120-X08 – 480-120-108 | 480-120-108 - 480-120-X08 |
| 480-120-X40 – 480-120-109 | 480-120-109 - 480-120-X40 |
| 480-120-XXY – 480-120-112 | 480-120-112 - 480-120-XXY |
| 480-120-056 – 480-120-122a | 480-120-122a - 480-120-056 |
| 480-120-056 – 480-120-122b | 480-120-122b - 480-120-056 |
| 480-120-X21 – 480-120-123 | 480-120-123 - 480-120-X21 |
| 480-120-X10 - 480-120-124 | 480-120-124 - 480-120-X10 |
| 480-120-057 - 480-120-125 | 480-120-125 - 480-120-057 |
| 480-120-058 - 480-120-127(placeholder) | 480-120-127 - 480-120-058(placeholder) |
| 480-120-X11 - 480-120-128 | 480-120-128 - 480-120-X11 |
| 480-120-510 - 480-120-132 | 480-120-132 - 480-120-510 |
| 480-120-X12 - 480-120-133 | 480-120-133 - 480-120-X12 |
| 480-120-071 - 480-120-145 | 480-120-145 - 480-120-071 |
| 480-120-X09 - 480-120-146 | 480-120-146 - 480-120-X09 |
| 480-120-139 - 480-120-147 | 480-120-147 - 480-120-139 |
| PART III. PAYMENTS AND DISPUTES | PART III. PAYMENTS AND DISPUTES |
| 480-120-106 - 480-120-161 | 480-120-161 - 480-120-106 |
| 480-120-X13 - 480-120-162 | 480-120-162 - 480-120-X13 |
| 480-120-116 - 480-120-163 | 480-120-163 - 480-120-116 |
| 480-120-X34 - 480-120-164 | 480-120-164 - 480-120-X34 |

| | |
|---|---|
| 480-120-101 - 480-120-165 | 480-120-165 - 480-120-101 |
| 480-120-X33 - 480-120-166 | 480-120-166 - 480-120-X33 |
| 480-120-X30 - 480-120-167 | 480-120-167 - 480-120-X30 |
| PART IV. DISCONTINUING AND RESTORING SERVICE | PART IV. DISCONTINUING AND RESTORING SERVICE |
| 480-120-X22 - 480-120-171 | 480-120-171 - 480-120-X22 |
| 480-120-081 - 480-120-172 | 480-120-172 - 480-120-081 |
| 480-120-X07 - 480-120-173 | 480-120-173 - 480-120-X07 |
| 480-120-X32 - 480-120-174 | 480-120-174 - 480-120-X32 |
| PART V. POSTING AND PUBLICATION NOTICE | PART V. POSTING AND PUBLICATION NOTICE |
| 480-120-193 – Same | 480-120-193 – Same |
| 480-120-194 – Same | 480-120-194 – Same |
| 480-120-195 – Same | 480-120-195 – Same |
| 480-120-196 – Same | 480-120-196 – Same |
| 480-120-197 – Same | 480-120-197 – Same |
| 480-120-198 – Same | 480-120-198 – Same |
| 480-120-199 – Same | 480-120-199 – Same |
| PART VI. CUSTOMER INFORMATION | PART VI. CUSTOMER INFORMATION |
| 480-120-087 - 480-120-201 | 480-120-201 - 480-120-087 |
| 480-120-202 – NEW | 480-120-202 – NEW |
| 480-120-203 – NEW | 480-120-203 – NEW |
| 480-120-204 – NEW | 480-120-204 – NEW |
| 480-120-205 – NEW | 480-120-205 – NEW |
| 480-120-206 – NEW | 480-120-206 – NEW |
| 480-120-207 – NEW | 480-120-207 – NEW |
| 480-120-208 – NEW | 480-120-208 – NEW |
| 480-120-209 – NEW | 480-120-209 – NEW |
| 480-120-211 – NEW | 480-120-211 – NEW |
| 480-120-212 – NEW | 480-120-212 – NEW |
| 480-120-213 – NEW | 480-120-213 – NEW |
| 480-120-214 – NEW | 480-120-214 – NEW |
| 480-120-144 - 480-120-216 | 480-120-216 - 480-120-144 |
| 480-120-217 – NEW | 480-120-217 - NEW |
| PART VII. TELECOMMUNICATIONS SERVICES | PART VII. TELECOMMUNICATIONS SERVICES |
| 480-120-042 - 480-120-251 | 480-120-251 - 480-120-042 |
| 480-120-X31 - 480-120-252 | 480-120-252 - 480-120-X31 |
| 480-120-088 - 480-120-253 | 480-120-253 - 480-120-088 |
| 480-120-089 - 480-120-254 | 480-120-254 - 480-120-089 |
| 480-120-543 - 480-120-255 | 480-120-255 - 480-120-543 |
| 480-120-530 - 480-120-256 | 480-120-256 - 480-120-530 |
| 480-120-505 - 480-120-261 | 480-120-261 - 480-120-505 |
| 480-120-141 - 480-120-262 | 480-120-262 - 480-120-141 |

| | |
|---|---|
| 480-120-138 - 480-120-263 | 480-120-263 - 480-120-138 |
| 480-120-052 - 480-120-264(placeholder) | 480-120-264 - 480-120-052(placeholder) |
| PART VIII. FINANCIAL RECORDS AND REPORTING RULES | PART VIII. FINANCIAL RECORDS AND REPORTING RULES |
| 480-120-029 - 480-120-301 | 480-120-301 - 480-120-029 |
| 480-120-031 - 480-120-302 | 480-120-302 - 480-120-031 |
| 480-120-033 - 480-120-303 | 480-120-303 - 480-120-033 |
| 480-120-X02 - 480-120-304 | 480-120-304 - 480-120-X02 |
| 480-120-544 - 480-120-305 | 480-120-305 - 480-120-544 |
| 480-120-541 - 480-120-311 | 480-120-311 - 480-120-541 |
| 480-120-X01 - 480-120-312 | 480-120-312 - 480-120-X01 |
| 480-120-540 - 480-120-313 | 480-120-313 - 480-120-540 |
| 480-120-032 - 480-120-321 | 480-120-321 - 480-120-032 |
| 480-120-136 - 480-120-322 | 480-120-322 - 480-120-136 |
| 480-120-542 - 480-120-323 | 480-120-323 - 480-120-542 |
| PART IX. SAFETY AND STANDARDS RULES | PART IX. SAFETY AND STANDARDS RULES |
| 480-120-515 - 480-120-401 | 480-120-401 - 480-120-515 |
| 480-120-126 - 480-120-402 | 480-120-402 - 480-120-126 |
| 480-120-525 - 480-120-411 | 480-120-411 - 480-120-525 |
| 480-120-520 - 480-120-412 | 480-120-412 - 480-120-520 |
| 480-120-560 - 480-120-413 | 480-120-413 - 480-120-560 |
| 480-120-531 - 480-120-414 | 480-120-414 - 480-120-531 |
| 480-120-X20 - 480-120-436 | 480-120-436 - 480-120-X20 |
| 480-120-X05 - 480-120-437 | 480-120-437 - 480-120-X05 |
| 480-120-X14 - 480-120-438 | 480-120-438 - 480-120-X14 |
| 480-120-535 - 480-120-439 | 480-120-439 - 480-120-535 |
| 480-120-X16 - 480-120-440 | 480-120-440 - 480-120-X16 |
| 480-120-340 - 480-120-450 | 480-120-450 - 480-120-340 |
| 480-120-451 - NEW | 480-120-451 - NEW |
| 480-120-350 - 480-120-452 | 480-120-452 - 480-120-350 |
| PART X. ADOPTION BY REFERENCE | PART X. ADOPTION BY REFERENCE |
| 480-120-999 – Same | 480-120-999 – Same |

1 **PART I. GENERAL RULES**

2
3 **Amend**

4 **480-120-011 Application of rules.**

5 (1) The rules in this chapter apply to any company that is subject to the
6 jurisdiction of the commission as to rates and services under the provisions of
7 RCW 80.04.010 and chapter 80.36 RCW.

8 (2) The ~~effective tariffs and price lists provisions~~ filed by companies shall
9 must conform to these rules. ~~The commission's acceptance of a tariff that~~
10 ~~conflicts with these rules does not constitute a waiver of these rules. If the~~
11 commission accepts a tariff or price list that conflicts with these rules, the
12 acceptance does not constitute a waiver of these rules unless the commission
13 specifically approves the variation consistent with WAC 480-120-015
14 (Exemptions from rules in chapter 480-120 WAC). Tariffs or price lists that
15 conflict with these rules without approval are superseded by these rules unless
16 the commission authorizes the deviation in writing.

17 (3) Any affected person may ask the commission to review the
18 interpretation of these rules by a company or customer by posing an informal
19 complaint under WAC 480-09-150; ~~(Informal complaints)~~, or by filing a formal
20 complaint under WAC 480-09-420; ~~(Pleading and briefs--Application for~~
21 ~~authority--Protests).~~

22 (4) No deviation from these rules is permitted without written authorization
23 by the commission. Violations will be subject to penalty provisions of chapter
24 80.04 RCW penalties as provided by law.

25
26
27
28 **Amend title**

29 **480-120-015 Exemptions from rules in chapter 480-120 WAC.**

30
31
32 (No change to current rule)

33 **480-120-016 Additional requirements.**

34
35
36 (No change to 480-120-545)

37 **480-120-017 Severability.**

38
39
40 **Amend 480-120-500**

41 **~~480-120-019 Telecommunications service quality--General requirements.~~**
42 **Telecommunications performance requirements--enforcement.**

43 ~~(1) The facilities of telecommunications companies shall be~~
44 ~~designed, constructed, maintained, and operated to ensure reasonable~~
45 ~~continuity of service, uniformity in the quality of service furnished, and~~

46 ~~the safety of persons and property.~~
47 ~~—(2) Telecommunications companies shall employ prudent management and~~
48 ~~engineering practices, including reasonable procedures for forecasting~~
49 ~~demand for service, to ensure that sufficient facilities and an adequate~~
50 ~~operating force are available to meet reasonable demands under normal~~
51 ~~operations.~~

52 ~~(3) These rules are not intended to establish a standard of care owed~~
53 ~~by a telecommunications company to any consumer(s) or subscriber(s). The~~
54 ~~commission may enforce the performance requirements set forth in this chapter~~
55 ~~by imposing administrative penalties under RCW 80.04.405, RCW 80.04.380, or~~
56 ~~other appropriate penalty statutes. These performance requirements are not~~
57 ~~intended to establish civil duties owed to any individual or class for any other~~
58 ~~purpose.~~

59
60

61 **Amend**

62 **480-120-021 Definitions.**

63 The definitions in this section apply throughout the chapter except where there is
64 an alternative definition in a specific section, or where the context clearly requires
65 otherwise.

66

67 "**Access charge**" means a rate charged by a local exchange carrier to an
68 interexchange carrier for the origination, transport, or termination of a call to or
69 from a customer of the local exchange carrier. Such origination, transport, and
70 termination may be accomplished either through switched access service or
71 through special or dedicated access service.

72

73 "**Access line**" means a circuit providing exchange service between a customer's
74 Standard Network Interface and a serving switching center.

75

76 "**Affiliate**" means an entity that directly or indirectly owns or controls, is owned
77 or controlled by, or is under common ownership or control with, another entity.

78

79 "**Ancillary services**" means all local service features excluding basic service.

80

81 "**Applicant**" means any person applying to a telecommunications company for
82 new service or reconnection of discontinued service.

83

84 "**Average busy hour**" means a time-consistent hour of the day during which a
85 switch or trunk carries the most traffic. This definition is applied on an individual
86 switch and an individual trunk basis.

87

88 "**Basic service**" means, ~~for the purposes of universal service,~~ service that
89 includes the following:

90

(1) Single-party service;

91

(2) Voice grade access to the public switched network;

- 92 (3) Support for local use;
- 93 (4) Dual tone multifrequency signaling (touch-tone);
- 94 (5) Access to emergency services (E911);
- 95 (6) Access to operator services;
- 96 (7) Access to interexchange services;
- 97 (8) Access to directory assistance; and
- 98 (9) Toll limitation services

99
100 **“Business”** means a for profit or not for profit organization, including, but not
101 limited to, corporations, partnerships, sole proprietorships, limited liability
102 companies, government agencies, and other entities or associations.

103
104 **“Business days”** means days of the week excluding Saturdays, Sundays, and
105 official state holidays.

106
107 **“Business office”** means an office or service center provided and maintained by
108 a company.

109
110 **“Business service”** means service other than residential service.

111
112 **“Busy season”** means an annual, recurring, and reasonably predictable three-
113 month period of the year when a switch or trunk carries the most traffic. This
114 definition is applied on an individual switch and an individual trunk basis.

115
116 **“Call aggregator”** means any corporation, company, partnership, or person,
117 who, in the ordinary course of its operations, makes telephones available to the
118 public or to users of its premises for telephone calls using a provider of operator
119 services, including but not limited to hotels, motels, hospitals, campuses, and pay
120 phones (see also pay phone service providers).

121
122 **“Call detail”** means any information about a call, including the name of the caller
123 and name of any person called, the area code, prefix, and any part of the
124 telephone number of any participant, and the time of day and duration of a call,
125 and the cost of a call.

126
127 **“Category of service”** means local, data services such as digital subscriber line
128 service, interexchange, or CMRS. Information about a customer’s intraLATA and
129 interLATA primary interexchange carrier freeze status is part of the local
130 category.

131
132 **“Central office”** means a company facility that houses the switching and
133 trunking equipment serving a defined area.

134
135 **“Centrex”** means a telecommunications service providing a customer with direct
136 inward dialing to telephone extensions and direct outward dialing from them.

137

138 **“Class A company”** means a local exchange company with two percent or more
139 of the access lines within the state of Washington.
140
141 **“Class B company”** means a local exchange company with less than two
142 percent of the access line within the state of Washington.
143
144 **“Commercial mobile radio service (CMRS)”** means any mobile (wireless)
145 telecommunications service that is provided for profit that makes interconnected
146 service available to the public or to such classes of eligible users as to be
147 effectively available to a substantial portion of the public.
148
149 **“Commission (agency)”** in a context meaning a state agency, means the
150 Washington utilities and transportation commission.
151
152 **“Company”** means any telecommunications company as defined in RCW
153 80.04.010.
154
155 **“Competitively classified company”** means a company that is classified as
156 competitive by the commission pursuant to RCW 80.36.320.
157
158 **“Customer”** means a person to which the company is currently providing
159 service.
160
161 **“Customer premises equipment (CPE)”** is equipment located on the customer
162 side of the SNI (other than a carrier) and used to originate, route, or terminate
163 telecommunications.
164
165 **“Customer proprietary network information (CPNI)”** means:
166 (a) Information that relates to the quantity, technical configuration, type,
167 destination, location, and amount of use of a telecommunications service,
168 including call detail, requested by an applicant or subscribed to by any customer
169 of a company, and that is made available to the company by the customer solely
170 by virtue of the customer-company relationship, which includes information
171 obtained by the company for the provision of the telecommunication service; and
172 (b) Information contained in the bills pertaining to telephone exchange
173 service or telephone toll service received by a customer of a company; except
174 that CPNI does not include subscriber list information.
175
176 **“Discontinue; discontinuation; discontinued”** mean the termination of service
177 to a customer.
178
179 **“Drop facilities”** means company-supplied wire and pedestals placed between
180 a premise and the company distribution plant at the applicant's property line.
181
182 **“Due date”** means the date an action is required to be completed by rule or,
183 when permitted, the date chosen by a company and provided to a customer as

184 the date to complete an action.
185
186 **“Emergency response facility”** means fire stations, hospitals, police stations,
187 and state and municipal government emergency operations centers.
188
189 **“Exchange”** means a geographic area established by a company for
190 telecommunications service within that area.
191
192 **“Extended Area Service (EAS)”** means telephone service extending beyond a
193 customer’s exchange, for which the customer may pay an additional flat-rate
194 amount per month.
195
196 **“Facility or facilities”** means lines, conduits, ducts, poles, wires, cables, cross-
197 arms, receivers, transmitters, instruments, machines, appliances,
198 instrumentalities and all devices, real estate, easements, apparatus, property and
199 routes used, operated, owned or controlled by a telecommunications company to
200 facilitate the provision of telecommunications service.
201
202 **“Force Majeure”** means natural disasters, including fire, flood, earthquake,
203 windstorm, avalanche, mudslide, and other similar events; acts of war or civil
204 unrest when an emergency has been declared by appropriate governmental
205 officials; acts of civil or military authority; embargoes; epidemics; terrorist acts;
206 riots; insurrections; explosions; and nuclear accidents.
207
208 **“Held orders”** means orders for exchange access lines where the company is
209 unable to provide service by the due date.
210
211 **“Interexchange”** means telephone calls, traffic, facilities or other items that
212 originate in one exchange and terminate in another.
213
214 **“Interexchange company”** means a company, or division thereof, that provides
215 long distance (toll) service.
216
217 **“Interoffice facilities”** means facilities connecting two or more telephone
218 switching centers.
219
220 **“InterLATA”** is a term used to describe services, revenues, functions, etc., that
221 relate to telecommunications originating in one LATA and terminating outside of
222 the originating LATA.
223
224 **“IntraLATA”** is a term used to describe services, revenues, functions, etc., that
225 relate to telecommunications that originate and terminate within the same LATA.
226
227 **“Local Access and Transport Area (LATA)”** means a local access transport
228 area as defined by the commission in conformance with applicable federal law.
229

230 “**Local calling area**” means the area where a person can place a call without
231 incurring long-distance (toll) charges.
232

233 “**Local exchange company (LEC)**” means a company providing local exchange
234 telecommunications service.
235

236 “**Major outages**” means ~~one thousand customer hours lost~~ a service failure
237 lasting for thirty or more minutes that causes the disruption of local exchange or
238 toll services to more than one thousand subscribers; total loss of service to a
239 public safety answering point or governmental emergency response agency;
240 intercompany trunks or toll trunks not meeting service requirements for four
241 hours or more and affecting service; or an intermodal link blockage (no dial tone)
242 in excess of ~~ten~~ five per cent for more than one hour in any switch or remote
243 switch.
244

245 “**Order date**” means the date when an applicant requests service unless a
246 company identifies specific actions a customer must take in order to be in
247 compliance with tariffs, price lists, or commission rules. Except as provided in
248 480-120-054104, ~~W~~when specific actions are required of the applicant, the order
249 date becomes the date the actions are completed by the applicant if the company
250 has not already installed or activated service.
251 When an applicant requests service that requires customer-ordered
252 special equipment, for purposes of calculating ~~the~~ compliance with the one-
253 hundred-and-eighty-day requirement of WAC 480-120-~~XXX~~112 (Company
254 performance for orders for non-basic service) the order date is the application
255 date unless the applicant fails to provide the support structure or perform ~~the~~
256 other requirements of the tariff or price list ~~that may apply~~. In the event the
257 applicant fails to provide the support structure or perform the other requirements
258 of the tariff or price list, a new order date is established as the date when the
259 applicant does provide the support structure or perform the other requirements of
260 the tariff or price list.
261

262 “**Pay phone**” or “**pay telephone**” means any telephone made available to the
263 public on a fee-per-call basis independent of any other commercial transaction.
264 A pay phone or pay telephone includes telephones that are coin-operated or are
265 activated by calling collect or using a calling card.
266

267 “**Pay phone services**” means provision of pay phone equipment to the public for
268 placement of local exchange, interexchange, or operator service calls.
269

270 “**Pay phone service provider (PSP)** ” means any corporation, company,
271 partnership, or person who owns or operates and makes pay phones available to
272 the public.
273

274 “**Payment agency**” means a physical location established by a local exchange
275 company, either on its own premises or through a subcontractor, for the purpose

276 of receiving cash and urgent payments from customers.
277
278 **“Person”** means an individual, or an organization such as a firm, partnership,
279 corporation, municipal corporation, agency, association or other entity.
280
281 **“Private account information”** means CPNI that is associated with an
282 identifiable individual.
283
284 **“Proprietary”** means owned by a particular person.
285
286 **“Provision”** means supplying telecommunications service to a customer.
287
288 **“Public access line (PAL)”** means an access line equipped with features to
289 detect coins, permit the use of calling cards, and such other features as may be
290 used to provision a pay phone.
291
292 **“Public safety answering point (PSAP)”** means an answering location for
293 enhanced 911 (E911) calls originating in a given area. PSAPs are designated as
294 primary or secondary. Primary PSAPs receive E911 calls directly from the
295 public; secondary PSAPs receive E-911 calls only on a transfer or relay basis
296 from the primary PSAP. Secondary PSAPs generally serve as centralized
297 answering locations for a particular type of emergency call.
298
299 **“Residential service”** means basic service to a ~~domicile~~ household.
300
301 **“Restricted basic service”** means either the ability to receive incoming calls,
302 make outgoing calls, or both through voice grade access to the public switched
303 network, including E911 access, but not including other services that are a part of
304 basic service.
305
306 **“Results of operations”** means a fiscal year financial statement concerning
307 regulated operations that include revenues, expenses, taxes, net operating
308 income, and rate base. The rate of return is also included as part of the results of
309 operations. The rate of return is the percentage of net operating income to the
310 rate base.
311
312 **“Service interruption”** means a loss of or impairment of service that is not due
313 to, and is not, a major outage.
314
315 **“Service provider”** means any business that offers a product or service to a
316 customer, the charge for which appears on the customer’s telephone bill.
317
318 **“Special circuit”** means an access line specially conditioned to give it
319 characteristics suitable for handling special or unique services.
320
321 **“Standard network interface (SNI)”** means the protector that generally marks

322 the point of interconnection between company communications facilities and
323 customer's terminal equipment, protective apparatus, or wiring at a customer's
324 premises. The network interface or demarcation point is located on the
325 customer's side of the company's protector, or the equivalent thereof in cases
326 where a protector is not employed.

327
328 **"Station"** means a telephone instrument installed for the use of a subscriber to
329 provide toll and exchange service.

330
331 **"Subscriber list information (SLI)"** means any information:
332 (a) Identifying the listed names of subscribers of a company and those
333 subscribers= telephone numbers, addresses, or primary advertising
334 classifications (as such classifications are assigned when service is established),
335 or any combination of listed names, numbers, addresses, or classifications; and
336 (b) That the company or an affiliate has published, caused to be
337 published, or accepted for publication in any directory format.

338
339 **"Support structure"** means the trench, pole, or conduit used to provide a path
340 for placement of drop facilities.

341
342 **"Telecommunications service"** means any one of the services that are offered
343 by companies, for example, residential basic local service is a
344 telecommunications service, call-forwarding is a telecommunications service, and
345 interexchange service is a telecommunications service.

346
347 **"Telemarketing"** means contacting a person by telephone in an attempt to sell
348 one or more products or services.

349
350 **"Toll restriction"** or **"toll restricted"** means a service that prevents the use of a
351 local access line to initiate a long distance call using a presubscribed
352 interexchange company.

353
354 **"Traffic"** means telecommunications activity on a telecommunications network,
355 normally used in connection with measurements of capacity of various parts of
356 the network.

357
358 **"Trouble report"** means a report of service affecting network problems either
359 reported by customers or detected by the company, and does not include
360 problems on the customer's side of the SNI.

361
362 **"Trunk"** means, in a telecommunications network, a path connecting two
363 switching systems used to establish end-to-end connection. In some
364 circumstances, both of its terminations may be in the same switching system.

365
366
367 (No change to current rule)

368 **480-120-026 Tariffs and price lists.**

369

370

371 (No change to current rule)

372 **480-120-028 Registration.**

373

374

375 **Amend**

376 **480-120-061 Refusal of Refusing service.**

377 ~~Unless otherwise permitted by law or rule, a company may not refuse to provide~~
378 ~~service.~~

379 (1) A company may refuse to connect with, or provide service to, an applicant,
380 when service will adversely affect the service to other existing customers, the
381 installation is considered hazardous, or the applicant has not complied with state
382 codes, county codes, or municipal codes concerning the provision of
383 telecommunications service. Examples of state, county, or municipal codes
384 concerning the provision of telecommunications service are the state building
385 code and local electrical codes.

386 (2) A local exchange telecommunications company is not required to
387 connect with or render service to an applicant unless all necessary rights-of-way,
388 easements, and permits have been secured. The company is responsible for
389 securing all public rights-of-way, easements, and permits, including rights-of-way
390 on every highway as defined in RCW 36.75.010(11) or created under RCW
391 36.75.070 or 080. The applicant is responsible for securing all rights-of-way or
392 easements on private property including private roads or driveways as defined in
393 RCW 36.75.010(10). A private road or driveway is one that has been
394 ascertained by the company not to be public.

395 (3) A company may deny installation of, or continued service to, an
396 applicant or customer when the company is unable to substantiate the identity of
397 the individual requesting or receiving service.

398 (a) Companies must allow the applicant or customer to substantiate
399 identity with one piece of identification chosen from a list, provided by the
400 company, of at least five sources of identification. The list must include a current
401 driver's license or other picture identification.

402 (b) Company-listed business offices and payment agencies, required
403 under ~~WAC 480-120-510132~~ and ~~480-120-X13162~~, must provide a means for
404 applicants to provide identification at no charge to the applicant. ~~Applicants may~~
405 ~~refuse to provide a social security number to establish identity.~~

406 (4) A company may deny installation of, or continued service to, an
407 applicant or customer when the applicant or customer has received service from
408 the company by deception, including, but not limited to, false statements of credit
409 references or employment, false statement of premise address, use of an alias or
410 false name with intent to deceive, or rotation of service among roommates or
411 persons living together for the purpose of avoiding the debts of one or more
412 persons.

413 (5) A company may deny telecommunications service to an applicant or

414 customer who owes an overdue, unpaid prior obligation to the company for the
415 same class of service at the same or different location until the obligation is paid
416 or satisfactory arrangements are made.

417 (6) A company may deny ~~regulated~~ telecommunications services at an
418 address where a former customer is known to reside with an overdue, unpaid
419 prior obligation to the same company for the same class of service at that
420 address until the obligation is paid or satisfactory arrangements are made when
421 there is evidence that the person requesting service lived at the address while
422 the overdue, unpaid prior obligations were incurred and helped incur the
423 obligations. However, a company may not deny service if a former customer with
424 an overdue, unpaid prior obligation has vacated the address.

425 (7) Applicants, excluding telecommunications companies as defined in
426 RCW 80.04.010, are entitled to, and a company must allow, a one-time option to
427 pay a prior obligation over not less than a six-month period. A "prior obligation"
428 means an amount owed to a local exchange company or an interexchange
429 company for regulated services at the time the company physically toll-restricts,
430 interrupts, or discontinues service for nonpayment. The company must restore
431 service upon payment of the first installment if an applicant is entitled to the
432 payment arrangement provided for in this section and, if applicable, the first half
433 of a deposit is paid as provided for in WAC 480-120-056122. The company can
434 discontinue service or institute toll restriction without notice required by pursuant
435 to WAC 480-120-084172, if at a location where an applicant or customer defaults
436 on a payment agreement.

437 ~~(8) A company may not deny service to an applicant or customer who is~~
438 ~~not in arrears to the company and requests service at a premise where another~~
439 ~~customer has vacated the premise leaving unpaid charges owed at that premise.~~

440 (9) A company may not withhold or refuse to release a telephone number
441 to a customer who is transferring service to another telecommunications
442 company.

443 (9) A telecommunications company must deny service to a nonregistered
444 telecommunications company that intends to use the service requested to
445 provide telecommunications for hire, sale, or resale to the general public within
446 the state of Washington. Any telecommunications company requesting service
447 from another telecommunications company must state in writing whether the
448 service is intended to be used for intrastate telecommunications for hire, sale, or
449 resale to the general public. If the service is intended for hire, sale, or resale on
450 an intrastate basis, the company must certify in writing, in the same manner as
451 required by RCW 9A.72.085, that it is properly registered with the commission to
452 provide the service.

453
454

455 **PART II. ESTABLISHING SERVICE AND CREDIT**

456
457

Amend 480-120-046

458 **480-120-102 Service offered.**

459 (1) Classes of service. Each local exchange company (LEC) must file with the

460 commission, as part of its tariff or price list, a description of the classes and types
461 of service available to customers. ~~Local exchange companies~~ LECs must record
462 for each access line whether local exchange service is residential or business.

463 (2) Types of service. ~~Local exchange companies~~ LECs must offer, at a
464 minimum, flat-rate local exchange service. In addition, companies may offer
465 service alternatives, such as measured service.

466 (3) Grade of service. Local exchange service offered by companies must
467 be only one-party service.

468
469
470 **Amend 480-120-045**

471 **480-120-103 Local calling areas.**

472 (1) Customers must make requests for expanded local calling areas under RCW
473 80.04.110 (the commission's complaint statute). ~~The commission may expand~~
474 ~~local calling areas only under the most exceptional circumstances. The~~
475 ~~commission will generally rely on long distance competition, local competition,~~
476 ~~and optional calling plans that assess additional charges only to participating~~
477 ~~customers, to meet customer demand for alternate or expanded calling.~~

478 (2) The commission will order expansion of local calling areas only for
479 compelling reasons. The commission will generally rely on long distance
480 competition, local competition, and optional calling plans that assess additional
481 charges only to participating customers, to meet customer demand for alternate
482 or expanded calling.

483 In evaluating requests for expanded local calling, the commission will
484 consider whether the local calling area is adequate to allow customers to call and
485 receive calls from community medical facilities, police and fire departments, city
486 or town government, elementary and secondary schools, libraries, and a
487 commercial center.

488 The commission will consider the overall community-of-interest of the
489 entire exchange, and may consider other pertinent factors such as customer
490 calling patterns, the availability and feasibility of optional calling plans, and the
491 level of local and long distance competition.

492 ~~(3) Customers must make requests for expanded local calling areas under~~
493 ~~RCW 80.04.110 (the commission's complaint statute).~~

494
495
496 **Amend 480-120-051**

497 **480-120-104 Application for service.**

498 (1) ~~At the time of application~~ When contacted by an applicant, a company must:

499 (a) Accept and process applications when an applicant for service for a
500 particular location has met all tariff or price list requirements ~~or~~ and applicable
501 commission rules;

502 (b) Inform an applicant of the specific date when service will be provided
503 or state that an estimated due date will be provided within seven business days
504 as required by subsection (2) of this section; and

505 (c) Maintain a record in writing, or in electronic format, of each application

506 for service, including requests for a change of service.

507 (2) If the company does not provide the applicant with a due date for
508 installation or activation at the time of application as required in subsection (1)(b)
509 of this section, the company must state the reason for the delay. Within ~~five~~
510 seven business days of the date of the application, the company must provide
511 the applicant with an estimated due date for installation or activation. The credit
512 requirements of WAC 480-120-~~X08~~108, and the standards imposed by WAC
513 480-120-~~XXX~~107 and 480-120-~~XXY~~112 are not altered by this subsection.

514 (3) When the company informs the customer that installation of new
515 service orders requires on-premise access by the company, the company must
516 specify the time of day for installation within a four-hour period.

517 (4) When the application for service requires a service extension as
518 defined in WAC 480-120-074145, the requirement of subsection (1)(b) of this
519 section does not apply: and, for the purpose of determining when an extension
520 must be completed, the order date is the application date or six weeks prior to
521 the date the customer makes the required initial payment, whichever is later.

522 When a service extension is required, the company must inform the
523 customer within ~~twenty-one days~~ six weeks of a request for service that it will
524 construct the extension and also request payment from the customer according
525 to WAC 480-120-074145, or inform the customer in writing that it will request an
526 exemption from the commission pursuant to WAC 480-120-074145(7).
527 In the event a company informs the customer it will request an exemption, the
528 company must submit the request to the commission within ~~twenty-one days~~ four
529 weeks of informing the customer of its decision. A copy of the exemption request
530 must be ~~served on~~ mailed to the customer not later than the date the request is
531 filed.

532
533

534 Amend 480-120-041

535 480-120-105 Availability of information Information to consumers.

536 (1) Except for services provided under contract pursuant to WAC 480-80-035241
537 (Filing contracts for services classified as competitive), each company must
538 provide an applicant for initial service with a confirming notice or welcome letter,
539 either in writing or with permission of the customer, electronically. The
540 confirming notice or welcome letter must be provided to the applicant or
541 customer no later than ~~five~~ ten business days after installation of service and
542 must provide, at a minimum:

543 (a) Contact information for the appropriate business office, including a toll-
544 free telephone number, mailing address, repair number, electronic address if
545 applicable, and business office hours, that the customer can contact if they have
546 questions;

547 (b) Confirmation of the services being provided to the customer by the
548 company, ~~and the rates for each service~~. If the service is provided under a
549 banded rate schedule the current rate, including the minimum and maximum at
550 which the customer's rate may be shifted;

551 (c) If the application is for local exchange service, the local exchange

552 company (LEC) must include the name ~~and toll free telephone numbers~~ of the
553 customer's presubscribed interLATA and intraLATA carriers, if applicable; and

554 (d) If the application is for local exchange service, the LEC must either
555 provide information required in WAC 480-120-~~042251~~(6)(a) through (f) or must
556 inform the customer that additional information pertaining to local exchange
557 service may be found in the consumer information guide of the local telephone
558 directory as required in WAC 480-120-~~042251~~.

559 (2) Except for services provided under contract pursuant to WAC 480-80-
560 ~~035241~~ (Filing contracts for services classified as competitive), each company
561 must provide each customer a confirming notice, either in writing or, with
562 permission of the customer, electronically, within ~~five~~ ten business days of
563 initiating a change in service which results in the addition of a service, a change
564 from one rate schedule to another, or a ~~material~~ change in terms or conditions of
565 an existing service. The confirming notice must provide at a minimum, the
566 following information in clear and conspicuous language:

567 (a) Contact information for the appropriate business office, including a toll-
568 free telephone number and business office hours, that customers can contact if
569 they have questions; ~~and~~

570 (b) The changes in the service(s) and the material effects of the
571 change(s), ~~including, if applicable, a comparison between a previous rate and~~
572 ~~current rate.~~ ; and

573 (c) A toll-free number, printed in boldface type, the customer may call to
574 determine the customer's rates for the specific services.

575 (3) When a LEC is acting as an executing carrier under WAC 480-120-
576 ~~139147~~, it must make the following information available upon request:

577 (a) The name ~~and telephone number for~~ of the intraLATA and interLATA
578 interexchange company to which the customer's account is currently subscribed;
579 and

580 (b) A minimum of six months' account history ~~reflecting changes of an~~
581 ~~interexchange company, providing the name and telephone number for each,~~
582 when available, including the date of the changes and the name of the
583 interexchange company.

584 (4) When an applicant or customer contacts the LEC to select or change
585 an interexchange company, the ~~company~~ LEC must notify the carrier of the
586 customer's selection or recommend that the customer contact the chosen
587 interexchange company to confirm that an account has been or is being
588 established by the interexchange carrier for the applicant.

589
590

591 **New Section 480-120-XXX**

592 **480-120-107 Company performance standards for installation or activation**
593 **of access lines.**

594 (1) Except as provided in subsection (2) of this section, when an application is
595 made consistent with WAC 480-120-~~054104~~ (Application for service), the
596 following standards for installation or activation of service apply:

597 (a) The local exchange company (LEC) must complete, within five

598 business days after the order date, or by a later date requested by a customer,
599 ninety percent of all orders of up to the initial five access lines received during
600 each month.

601 (b) The LEC must complete ninety-nine percent of all orders of up to the
602 initial five access lines received during each calendar quarter within ninety days
603 after the order date; and

604 (c) The LEC must complete one hundred percent of all orders for access
605 lines within one hundred and eighty days after the order date.

606 (2) For purposes of determining the amount of penalties that shall apply if
607 a LEC fails to complete the percent of orders required by subsections (1)(a), (b),
608 and (c) of this section, each order that the LEC fails to complete in excess of the
609 highest number of uncompleted orders that would not have triggered a violation
610 shall be a separate violation. For example, using the ninety-nine percent
611 completion rate under subsection (1)(b) of this section, if the LEC received one
612 hundred orders in a quarter, and it completed only ninety-four of those orders, it
613 would be deemed to have committed five separate violations, because it
614 completed five less than required by the section. Violations of subsection (1)(a),
615 (b), and (c) of this section will be determined separately, and each order is
616 subject to all three parts.

617 (3) The timelines set forth in subsection (1) of this section do not apply
618 when customer-provided special equipment is necessary; when a later
619 installation or activation is permitted under WAC 480-120-074145; or when the
620 commission has granted an exemption from the requirement for installation or
621 activation of a particular order under WAC 480-120-015. These orders will be
622 excluded from both the numerator and denominator in calculating the percentage
623 of orders completed.

624 (4) Unless the commission orders otherwise, this section does not apply to
625 LECs that are competitively classified under RCW 80.36.320 and do not offer
626 local exchange service by tariff.

627

628

629 **New Section – 480-120-X08**

630 **480-120-108 Installation and activation credits.**

631 All local exchange companies (LECs) must include in tariffs installation and
632 activation credits that conform with this section. This section does not apply to
633 services offered by price list.

634 (1) LECs must provide a credit to customers ordering a first residential
635 line, first two business lines, or both, if the service is not installed and activated
636 by the due date established at the time of the order. A LEC must establish the
637 due date as the date requested by the customer but is not required to establish a
638 due date that is fewer than seven business days after the order date.

639 (2) The credit amount in the tariff must be either:

640 (a) An amount equal to the non-recurring charge for installation and a pro-
641 rata amount of the recurring charge for each day of delay, or

642 (b) A fifty dollar credit and an additional fifty dollar credit after each thirty-
643 day period in which the installation is delayed.

644 (3) Service credits are not required when a later installation or activation is
645 permitted under WAC 480-120-074145 (Extending service) when construction
646 requirements delay installation or activation, or when the LEC is unable to meet
647 its obligations due to force majeure, work stoppages directly affecting provision of
648 service in the state of Washington, or other events beyond the LEC's control. To
649 avoid providing a credit when construction is required for installation or activation,
650 a LEC must have contacted as soon as practicable the appropriate authorities to
651 request applicable utility locations services and permits.

652 (4) LECs may include in tariffs additional service quality guarantee credits,
653 and additional interim services, such as voice mail, that might aid a customer
654 without service.

655
656

657 **New Section 480-120-X40**

658 **480-120-109 Missed appointment credits.**

659 All local exchange companies (LECs) must include in tariffs or price lists
660 appointment credits that conform with this section. For purposes of this section,
661 an appointment means a commitment that requires the customer or the
662 customer's representative to be present when the LEC installs, changes,
663 disconnects, repairs, or otherwise affects the customer's service.

664 (1) LECs must credit customers not less than fifty dollars when the LEC
665 fails to keep an appointment and does not notify the customer at least twenty-
666 four hours in advance of the broken appointment.

667 The LEC keeps the appointment when the necessary work in advance of
668 dispatch has been completed and the technician arrives within four hours of the
669 earliest time at which the customer was required to be present, even if the
670 technician cannot complete the order until a later date.

671 (2) When a LEC notifies the customer at least twenty-four hours prior to
672 the scheduled appointment that a new appointment is necessary and a new
673 appointment is made, the order date, installation or activation requirements and
674 credit requirements of WAC 480-120-~~X08~~108, and the timelines set out in that
675 section are not affected by the LEC's action to change the appointment. A
676 company-initiated changed appointment date is not a change to the order date
677 for purposes of determining compliance with WAC ~~480-120-XXX~~107 and ~~480-~~
678 ~~120-XXY~~112.

679 (3) A LEC is not required to pay a missed appointment credit when it is
680 unable to meet its obligations due to force majeure, work stoppages directly
681 affecting provision of service in the state of Washington, or other events beyond
682 the LEC's control.

683 (4) LECs may include in tariffs or price lists additional service quality
684 guarantee credits, and additional interim services, such as voice mail, that might
685 aid a customer without service.

686
687

688 **New Section 480-120-XXY**

689 **480-120-112 Company performance for orders for non-basic services.**
690 (1) Except as provided in subsection (2) of this section, the local exchange
691 company (LEC) must complete orders for all non-basic services within one
692 hundred eighty days of the order date or by a later date requested by a customer.
693 (2) The timeline set forth in subsection (1) of this section does not apply
694 when a later installation or activation is permitted under WAC 480-120-074145
695 (Extending service), or when the commission has granted an exemption from the
696 requirement for installation or activation of a particular order under WAC 480-
697 120-015.
698 (3) Unless the commission orders otherwise, this section does not apply to
699 LECs that are competitively classified under RCW 80.36.320 and do not offer
700 local exchange service by tariff.

701

702

703 *NOTE:*

704 *The following two sections, WAC 480-120-122a and 122b, are provided as*
705 *alternatives. The Commission would appreciate stakeholder comments*
706 *on these alternatives at its March 27, 2002, Open Meeting.*

707

708 **Amend 480-120-056**

709 **480-120-122a Establishment of Establishing credit--Residential services.**

710 (1) ~~Basic service deposit.~~ This section applies only to the provision of
711 residential services. A local exchange company (LEC) may, ~~if provided for in its~~
712 ~~tariff or price list,~~ require an applicant or customer of residential basic local
713 service to pay a local service deposit only in accordance with (a)-(e) below.
714 under the following circumstances: If a LEC offers basic local service as part of a
715 bundled package of services, it may only require a deposit for the package in
716 accordance with (a)-(e) below.

717 (a) If the applicant or customer has received two or more delinquency
718 notices for basic local service during the last twelve-month period with that
719 company or another company;

720 (b) If the applicant or customer has had basic local service discontinued
721 ~~for nonpayment during the prior twelve months by any telecommunications~~
722 company;

723 (c) If the applicant or customer has an unpaid, overdue basic local service
724 balance owing to any telecommunications company ~~balance owing to a company~~
725 ~~for basic service charges; or~~

726 (d) If the applicant's or customer's service is being restored following a
727 discontinuation for nonpayment or acquiring service through deceptive means
728 under WAC 480-120-084172(1)(a)(i) or (ii); or

729 (e) If the applicant or customer has been disconnected for taking service
730 under deceptive means as described in WAC 480-120-084172.

731 (2) ~~Ancillary services deposit.~~ A LEC may, if provided for in its tariff or
732 price list, require an applicant or customer of ancillary services to demonstrate
733 satisfactory credit by reasonable means or pay a deposit consistent with
734 subsections (4) and (5) of this section.

735 (a) The company must inform applicants that local service cannot be
736 withheld pending payment of a deposit for ancillary services.

737 (3) ~~**Interexchange services deposit.**~~ An interexchange company may, if
738 provided for in its tariff or price list, require an applicant or customer of
739 interexchange services to demonstrate satisfactory credit by reasonable means
740 or pay a deposit consistent with subsections (4) and (5) of this section.

741 (a) The company must inform applicants that local service cannot be
742 withheld pending payment of a deposit for interexchange services.

743 (4) ~~**Amount of deposit.**~~ When a company requests a deposit from an
744 applicant or customer, the amount of the deposit may not exceed two months'
745 customary use for an applicant or customer with previous verifiable service of the
746 same class, or two months' estimated use for an applicant or customer without
747 previous verifiable service. Customary use is calculated using charges for the
748 previous three months' service.

749 (5) ~~**Deposit payment arrangements.**~~ When an applicant or customer is
750 required to pay a basic local service deposit or an interexchange deposit, but is
751 unable to pay the entire amount in advance of connection or continuation of
752 service, the following will apply:

753 (a) ~~**Basic service.**~~ The customer may pay fifty percent of the requested
754 deposit amount before installation or continuation of service, with the remaining
755 amount payable in equal amounts over the following two months; or

756 (b) Where technology permits, the applicant or customer must be allowed
757 the option of accepting toll-restricted basic local service technically feasible, the
758 applicant or customer may accept toll-restricted basic service until satisfactory
759 credit is established, in lieu of payment of the deposit, or until a deposit is paid.
760 A company must not charge for toll restriction when it is used as an alternative to
761 a deposit.

762 (i) A company must remove toll restriction if a customer makes full
763 payment of the requested interexchange carrier deposit or pays fifty percent of
764 the requested deposit and enters in payment arrangements as provided for in (a)
765 above.

766 (c) ~~**Interexchange services.**~~ The customer may pay fifty percent of the
767 deposit amount before installation or continuation of service, with the remaining
768 amount payable in equal amounts over the following two months.

769 (d) ~~**Ancillary services.**~~ A company is not required to allow extended
770 payment on ancillary services (e.g., custom calling services, caller identification).
771 A company may require an applicant or customer to pay a deposit equal to two
772 months' charges for ancillary service before providing or continuing ancillary
773 services.

774 (6) ~~**Post-service deposits.**~~ When a company finds that service was
775 provided initially without a deposit based on incorrect information and the
776 customer otherwise would have been required to pay a deposit, the company
777 may require a deposit. A company may require an applicant or customer to pay
778 a deposit equal to two months' charges for ancillary service before providing or
779 continuing ancillary services.

780 (7) ~~**Deposit requirement notice.**~~ A company may require an applicant or

781 customer to pay a deposit if it finds that service was provided initially without a
782 deposit based on incorrect information and the customer otherwise would have
783 been required to pay a deposit.

784 (a) When a company requests a new deposit or a larger deposit amount
785 after service has been established, the company must provide a written notice to
786 the customer listing the reason(s) for the request, the date the deposit must be
787 paid, and the actions the company may take if the deposit is not paid.

788 (b) Except for circumstances described in subsection (8) of this section,
789 the deposit or additional deposit amount may not be due and payable before 5:00
790 p.m. of the sixth business day after notice of the deposit requirement is mailed or
791 5:00 p.m. of the second business day following delivery, if the notice is delivered
792 in person to the customer.

793 (8) **~~Deposit request for high toll.~~**

794 ~~(a)~~ A company authorized by the commission to collect deposits or
795 advanced payments may require a customer to pay unbilled toll charges or pay a
796 new or additional deposit amount when the customer's toll charges exceed thirty
797 dollars, or exceed customary use over the previous six months by twenty dollars
798 or by twenty percent, whichever is greater. A company may toll-restrict a
799 customer's services if the customer is unable pay the toll or deposit amount.

800 ~~(b)~~ When a customer has exceeded the toll levels outlined above in ~~(a)~~ of
801 this subsection, the company may require payment before the close of the next
802 business day following receipt of either written or oral notice to the customer
803 indicating that failure to pay one of the following may result in toll restriction of the
804 customer's service. The company must give the customer the option to pay one
805 of the following:

806 (i) All outstanding toll charges specified in the notice; or

807 (ii) All toll charges accrued to the time of payment providing the
808 customer was notified the customer would be liable for all unbilled toll charges
809 that accrued between the time of the notice and time of the payment; or

810 (iii) Payment of a new or additional deposit in light of the customer's
811 actual use based upon two months' customary use.

812 ~~(c)~~ At the time application is made, a company may ask an applicant who
813 does not have customary utilization amount from a previous service to estimate
814 the greatest monthly toll amount the applicant expects to use ~~during the next six~~
815 ~~months~~. If the company asks for an estimate, it must explain the following to the
816 applicant:

817 ~~(i) If the estimate is exceeded within the first six months by twenty~~
818 ~~percent or the unbilled toll exceeds fifty dollars, the company may require the~~
819 ~~customer to make payment of toll prior to the customer's normally scheduled~~
820 ~~billing cycle or to pay a deposit.~~

821 ~~(ii) If after six months, the customer exceeds the customer's~~
822 ~~customary use by twenty percent or fifty dollars- customer toll charges exceed~~
823 ~~thirty dollars or whose toll charges exceed customary utilization by twenty dollars~~
824 ~~or twenty percent, whichever is greater, the company may require the customer~~
825 ~~to make payment of toll prior to the customer's normally scheduled billing cycle or~~
826 ~~to pay a deposit new or additional deposit amount based on the new toll charges.~~

827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872

Amend 480-120-056

480-120-122b Establishment of Establishing credit--Residential services.

(1) ~~Basic service deposit.~~ This section applies only to the provision of residential services. A local exchange company (LEC) may require an applicant or customer of residential basic local service to pay a local service deposit only in accordance with (a)-(e) below. For a LEC that offers basic local service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic local service offering.

(a) If the applicant or customer has received two or more delinquency notices for basic local service during the last twelve-month period with that company or another company;

(b) If the applicant or customer has had basic local service discontinued for nonpayment during the prior twelve months ~~by any telecommunications company;~~

(c) If the applicant or customer has an unpaid, overdue basic local service balance owing to any telecommunications company ~~balance owing to a company for basic service charges; or~~

(d) If the applicant's or customer's service is being restored following a discontinuation ~~for nonpayment or acquiring service through deceptive means under WAC 480-120-084172(1)(a)(i) or (ii); or~~

(e) ~~If the applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-084172.~~

(2) ~~Ancillary services deposit.~~ A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

(a) The company must inform applicants that local service cannot be withheld pending payment of a deposit for ancillary services.

(3) ~~Interexchange services deposit.~~ An interexchange company may, if provided for in its tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

(a) The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) ~~Amount of deposit.~~ When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) ~~Deposit payment arrangements.~~ When an applicant or customer is required to pay a basic local service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the following will apply:

873 (d) ~~Basic service.~~ The customer may pay fifty percent of the requested
874 deposit amount before installation or continuation of service, with the remaining
875 amount payable in equal amounts over the following two months; or

876 (e) Where technology permits, the applicant or customer must be allowed
877 the option of accepting toll-restricted basic local service technically feasible, the
878 applicant or customer may accept toll-restricted basic service until satisfactory
879 credit is established, in lieu of payment of the deposit, or until a deposit is paid.
880 A company must not charge for toll restriction when it is used as an alternative to
881 a deposit.

882 (i) A company must remove toll restriction if a customer makes full
883 payment of the requested interexchange carrier deposit or pays fifty percent of
884 the requested deposit and enters in payment arrangements as provided for in (a)
885 above.

886 (f) ~~Interexchange services.~~ The customer may pay fifty percent of the
887 ~~deposit amount before installation or continuation of service, with the remaining~~
888 ~~amount payable in equal amounts over the following two months.~~

889 (d) ~~Ancillary services.~~ A company is not required to allow extended
890 ~~payment on ancillary services (e.g., custom calling services, caller identification).~~
891 ~~A company may require an applicant or customer to pay a deposit equal to two~~
892 ~~months' charges for ancillary service before providing or continuing ancillary~~
893 ~~services.~~

894 (6) ~~Post-service deposits.~~ When a company finds that service was
895 ~~provided initially without a deposit based on incorrect information and the~~
896 ~~customer otherwise would have been required to pay a deposit, the company~~
897 ~~may require a deposit. A company may require an applicant or customer to pay~~
898 ~~a deposit equal to two months' charges for ancillary service before providing or~~
899 ~~continuing ancillary services.~~

900 (7) ~~Deposit requirement notice.~~ A company may require an applicant or
901 customer to pay a deposit if it finds that service was provided initially without a
902 deposit based on incorrect information and the customer otherwise would have
903 been required to pay a deposit.

904 (a) When a company requests a new deposit or a larger deposit amount
905 after service has been established, the company must provide a written notice to
906 the customer listing the reason(s) for the request, the date the deposit must be
907 paid, and the actions the company may take if the deposit is not paid.

908 (b) Except for circumstances described in subsection (8) of this section,
909 the deposit or additional deposit amount may not be due and payable before 5:00
910 p.m. of the sixth business day after notice of the deposit requirement is mailed or
911 5:00 p.m. of the second business day following delivery, if the notice is delivered
912 in person to the customer.

913 (8) ~~Deposit request for high toll.~~

914 (a) A company authorized by the commission to collect deposits or
915 advanced payments may require a customer to pay unbilled toll charges or pay a
916 new or additional deposit amount when the customer's toll charges exceed thirty
917 dollars, or exceed customary use over the previous six months by twenty dollars
918 or by twenty percent, whichever is greater. A company may toll-restrict a

919 customer's services if the customer is unable pay the toll or deposit amount.
920 (ba) When a customer has exceeded the toll levels outlined above in ~~(a)~~ of
921 this subsection, the company may require payment before the close of the next
922 business day following receipt of either written or oral notice to the customer
923 indicating that failure to pay one of the following may result in toll restriction of the
924 customer's service. The company must give the customer the option to pay one
925 of the following:

- 926 (i) All outstanding toll charges specified in the notice; or
927 (ii) All toll charges accrued to the time of payment providing the
928 customer was notified the customer would be liable for all unbilled toll charges
929 that accrued between the time of the notice and time of the payment; or
930 (iii) Payment of a new or additional deposit in light of the customer's
931 actual use based upon two months' customary use.

932 (eb) At the time application is made, a company may ask an applicant who
933 does not have customary utilization amount from a previous service to estimate
934 the greatest monthly toll amount the applicant expects to use ~~during the next six~~
935 ~~months~~. If the company asks for an estimate, it must explain the following to the
936 applicant:

- 937 (i) ~~If the estimate is exceeded within the first six months by twenty~~
938 ~~percent or the unbilled toll exceeds fifty dollars, the company may require the~~
939 ~~customer to make payment of toll prior to the customer's normally scheduled~~
940 ~~billing cycle or to pay a deposit.~~
941 (ii) ~~If after six months, the customer exceeds the customer's~~
942 ~~customary use by twenty percent or fifty dollars~~ customer toll charges exceed
943 thirty dollars or whose toll charges exceed customary utilization by twenty dollars
944 or twenty percent, whichever is greater, the company may require the customer
945 to make payment of toll prior to the customer's normally scheduled billing cycle or
946 to pay a ~~deposit~~ new or additional deposit amount based on the new toll charges.
947

948

949 **New Section 480-120-X21**

950 **480-120-123 Establishment of Establishing credit--Business services.**

951 (1) As set forth in this section, a ~~A company having authority under its tariff or~~
952 ~~price list~~ may require a business applicant or customer to demonstrate
953 satisfactory credit by reasonable means appropriate under the circumstances.
954 The criteria used by the company must be contained in a tariff or price list.

955 (2) **Amount of deposit.** When a company requests a deposit from an
956 applicant or customer, the amount of the deposit may not exceed two months'
957 customary use for an applicant or customer with previous verifiable service of the
958 same class, or two months' estimated use for an applicant or customer without
959 previous verifiable service. Customary use is calculated using charges for the
960 previous three months' service.

961 (3) **Deposit payment.** Companies may withhold regulated services until
962 the deposit amount associated with regulated services is paid in full.

963 (4) **Deposit requirement notice.**

964 (a) When a company requests a new deposit or a larger deposit amount

965 after service has been established, the company must provide a written notice of
966 the reasons for the request in writing to the customer, state the date the deposit
967 must be paid, and the actions the company may take if the deposit is not paid.

968 (b) Except for circumstances described in subsection (5) of this section,
969 the deposit or additional deposit amount may not be due and payable before 5:00
970 p.m. of the sixth business day after notice of the deposit requirement is mailed or
971 5:00 p.m. of the second business day following delivery if the notice is delivered
972 in person to the customer.

973 (5) **Deposit request for high toll.**

974 (a) A company authorized by the commission to collect deposits or
975 advanced payments may require a customer to pay a new or additional deposit
976 amount to advanced toll charges when the customer's toll charges exceed the
977 amount currently held as an interexchange deposit, or exceed customary use
978 over the previous six months by twenty dollars or by twenty percent, whichever is
979 greater. A company may toll restrict a customer's services if the customer is
980 unable pay the toll or deposit amount.

981 (b) When a customer has exceeded the toll levels outlined in (a) of this
982 subsection, the company may require payment before the close of the next
983 business day following receipt of either written or oral notice to the customer
984 indicating that failure to pay one of the following may result in toll restriction of the
985 customer's service. The customer must be given the option to pay one of the
986 following:

- 987 (i) All outstanding toll charges specified in the notice;
988 (ii) All toll charges accrued to the time of payment providing the
989 customer was notified the customer would be liable for all unbilled toll charges
990 that accrued between the time of the notice and time of the payment; or
991 (iii) Payment of a new or additional deposit in light of the customer's
992 actual use based upon two months' customary use.

993
994

995 **New Section 480-120-X10**

996 **480-120-124 Guarantee in lieu of deposit.**

997 When a residential applicant or customer cannot establish credit or cannot pay a
998 deposit or deposit extended payments, the applicant or customer may furnish a
999 guarantor who will secure payment of bills for service requested in a specified
1000 amount not to exceed the amount of required deposit. The company may require
1001 that the guarantor:

- 1002 (1) Reside in the state of Washington;
1003 (2) Currently have service with the company requesting the deposit; and
1004 (3) Have an established satisfactory payment history for each class of
1005 service being guaranteed.

1006
1007

1008 **Amend 480-120-057**

1009 **480-120-125 Deposit or security--Telecommunications resellers.**
1010 A telecommunications company may be required to pay a reasonable deposit to
1011 another telecommunications company if it is unable to demonstrate satisfactory
1012 credit.

1013
1014
1015 **(Placeholder for 480-120-058)** (Adopted in UT-991922)

1016 **480-120-127 Protection of customer prepayments.**

1017
1018

1019 **New Section 480-120-X11**

1020 **480-120-128 Deposit administration.**

1021 (1) **Transfer of deposit.** A company must transfer a customer's deposit, less
1022 any outstanding balance, from the account at one service address to another
1023 service address, when a customer moves to a new address, is required to pay a
1024 deposit, and continues to receive service from that company.

1025 (2) **Interest on deposits.** Interest will be compounded annually. Interest
1026 on deposits must:

1027 (a) Accrue at a rate based upon a simple average of the effective interest
1028 rate for new issues of ~~one-year~~ twenty-six-week treasury bills, computed from
1029 December 1 of each year continuing through November 30 of the following year;

1030 (b) Earn that interest rate during January 1 through December 31 of the
1031 subsequent year; and

1032 (c) Be computed from the time of deposit to the time of refund or total
1033 application of the deposit.

1034 (3) **Refunding deposits for residential services.** Companies must
1035 refund deposits, plus accrued interest, less any outstanding balance, to a
1036 customer when:

1037 (a) A customer terminates service or services for which a deposit is being
1038 held.

1039 A company is not required to refund an amount held on deposit when a
1040 customer requests a discontinuation of service or services but requests to
1041 establish similar service with a company for which the current deposit holder also
1042 provides billing and collection service. The new provider must have authority with
1043 the commission to collect deposits; or

1044 (b) The customer has paid for service for twelve consecutive months in a
1045 prompt and satisfactory manner as evidenced by the following:

1046 (i) The company has not ~~initiated discontinuation proceedings~~
1047 issued a discontinuation notice against the customer's account for nonpayment
1048 during the last twelve months; and

1049 (ii) The company has sent no more than two delinquency notices to
1050 the customer in the last twelve months.

1051 (c) A company may apply a deposit refund to a customer's account or,
1052 upon customer request, must provide the refund in the form of a check issued
1053 and mailed to the customer no longer than fifteen days after satisfactory payment
1054 history is established or service is terminated.

1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100

Amend 480-120-510

480-120-132 Business offices.

Each company must provide business offices or customer service centers that are accessible by telephone or in person. A business office or customer service center that serves more than one exchange must provide toll-free calling from each exchange to the office. Each business office or customer service center must be staffed by qualified personnel who can provide information relating to all services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as representatives of the company.

New Section 480-120-X12

480-120-133 Response time for calls to business office or repair center.

(1) Calls placed to a company's business or repair center must be answered either by a live representative or an automated call answering system.

(2) Companies that use an automated answering system must comply with the following requirements:

(a) The average time until the automated system answers a call, measured on a weekly basis, must not exceed thirty seconds; and

(b) The automated system must provide a caller with an option to speak to a live-representative within the first thirty seconds of the recorded message.

(i) A company may provide the live representative option by directing the caller to take an affirmative action (e.g., select an entry on the telephone) or by default (e.g., be transferred when the caller does not select an option on the telephone).

(ii) The recorded message must clearly describe the method a caller must use to reach a live representative.

(c) The average time until a live representative answers a call, measured on a weekly basis, must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

(3) Companies that do not use an automated answering system must answer at least ninety-nine percent of call attempts, measured on a weekly basis, within thirty seconds.

Amend title 480-120-071

480-120-145 ~~Extension of~~ Extending service.

New Section 480-120-X09

480-120-146 ~~Service transfer~~ Changing service providers from one local exchange company to another.

~~When a local exchange company processes a service order transferring a~~

1101 ~~customer's service to another local exchange company, the company transferring~~
1102 ~~the service must not discontinue service until it receives confirmation from the~~
1103 ~~accepting company, unless the customer specifically requests that service be~~
1104 ~~discontinued before the accepting company provides confirmation.~~

1105 When a customer changes service providers from one local exchange company
1106 (LEC) to another, the LEC providing existing service to the customer must not
1107 discontinue service until it receives confirmation of activation of new service from
1108 the new service provider, unless the customer specifically requests that service
1109 be discontinued before the new service provider confirms that the new service
1110 has been activated.

1111
1112

1113 **Amend 480-120-139**

1114 **480-120-147 Changes in local exchange and intrastate toll services.**

1115 (1) **Verification of orders.** A local exchange or intrastate toll carrier that
1116 requests on behalf of a customer that the customer's carrier be changed, and
1117 that seeks to provide retail services to the customer ("submitting carrier"), may
1118 not submit a change-order for local exchange or intrastate toll service until the
1119 order is confirmed in accordance with one of the procedures in subsections (a)
1120 through (c):

1121 (a) The company has obtained the customer's written or electronic
1122 authorization to submit the order (letter of agency). The letter of agency must be
1123 a separate electronic form or document (or easily separable document)
1124 containing only the authorizing language described in (a)(i) through (vi) of this
1125 subsection, having the sole purpose of authorizing a telecommunications carrier
1126 to initiate a preferred carrier change. The letter of agency must be signed and
1127 dated by the customer of the telephone line(s) requesting the preferred carrier
1128 change. The letter of agency shall not be combined on the same document with
1129 inducements of any kind; however, it may be combined with checks that contain
1130 only the required letter of agency language as prescribed in (a)(i) through (vi) of
1131 this subsection, and the necessary information to make the check a negotiable
1132 instrument. The check may not contain any promotional language or material. It
1133 must contain, in easily readable, boldface type on the front of the check, a notice
1134 that the customer is authorizing a preferred carrier change by signing the check.
1135 Letter-of-agency language must be placed near the signature line on the back of
1136 the check. Any carrier designated in a letter of agency as a preferred carrier
1137 must be the carrier directly setting the rates for the customer. If any portion of a
1138 letter of agency is translated into another language, then all portions must be
1139 translated into that language, as well as any promotional materials, oral
1140 descriptions or instructions provided with the letter of agency. The letter of
1141 agency must confirm the following information from the customer:

- 1142 (i) The customer billing name, billing telephone number and billing
1143 address and each telephone number to be covered by the change order;
1144 (ii) The decision to change;
1145 (iii) The customer's understanding of the change fee;
1146 (iv) That the customer designates (name of carrier) to act as the

1147 customer's agent for the preferred carrier change;
1148 (v) That the customer understands that only one
1149 telecommunications carrier may be designated as the customer's interstate
1150 preferred carrier; that only one telecommunications carrier may be designated as
1151 the customer's intraLATA preferred carrier; and that only one telecommunications
1152 carrier may be designated as the customer's local exchange provider, for any
1153 one telephone number. The letter of agency must contain a separate statement
1154 regarding the customer's choice for each preferred carrier, although a separate
1155 letter of agency for each choice is not necessary; and
1156 (vi) Letters of agency may not suggest or require that a customer
1157 take some action in order to retain the current preferred carrier.
1158 (b) The submitting carrier has obtained the customer's authorization, as
1159 described in (a) of this subsection, electronically, by use of an automated,
1160 electronic telephone menu system. This authorization must be placed from the
1161 telephone number(s) for which the preferred carrier is to be changed and must
1162 confirm the information required in (a)(i) through (vi).
1163 Telecommunications companies electing to confirm sales electronically
1164 must establish one or more toll free telephone numbers exclusively for that
1165 purpose.
1166 Calls to the number(s) must connect a customer to a voice response unit,
1167 or similar device, that records the required information regarding the change,
1168 including automatically recording the originating automatic number identification
1169 (ANI).
1170 (c) An appropriately qualified and independent third party operating in a
1171 location physically separate from the telemarketing representative has obtained
1172 the customer's oral authorization to submit the change order that confirms and
1173 includes appropriate verification data (e.g., the customer's date of birth). The
1174 independent third party must not be owned, managed, controlled or directed by
1175 the carrier or the carrier's marketing agent; and must not have any financial
1176 incentive to confirm preferred carrier change orders for the carrier or the carrier's
1177 marketing agent. The content of the verification must include clear and
1178 unambiguous confirmation that the customer has authorized a preferred carrier
1179 change.
1180 (2) Where a telecommunications carrier is selling more than one type of
1181 telecommunications service (e.g., local exchange, intraLATA-intrastate toll,
1182 interLATA-interstate toll, and international toll), that carrier must obtain separate
1183 authorization, and separate verification, from the customer for each service sold,
1184 although the authorizations may be made within the same solicitation.
1185 (3) The documentation regarding a customer's authorization for a
1186 preferred carrier change must be retained by the submitting carrier, at a
1187 minimum, for two years to serve as verification of the customer's authorization to
1188 change his or her telecommunications company. The documentation must be
1189 made available to the customer and to the commission upon request.
1190 Documentation includes, but is not limited to, entire third-party-verification
1191 conversations and, for written verifications, the entire verification document.
1192 (4) **Implementing order changes.** An executing carrier may not verify

1193 directly with the customer the submission of a change in a customer's selection
1194 of a provider received from a submitting carrier. The executing carrier must
1195 comply promptly, without any unreasonable delay, with a requested change that
1196 is complete and received from a submitting carrier. An executing carrier is any
1197 telecommunications carrier that effects a request that a customer's carrier be
1198 changed.

1199 This section does not prohibit any company from investigating and
1200 responding to any customer-initiated inquiry or complaint.

1201 (5) **Preferred carrier freezes.** A preferred carrier freeze prevents a
1202 change in a customer's preferred carrier selection unless the customer gives the
1203 carrier from whom the freeze was requested express consent. Express consent
1204 means direct, written, electronic, or oral direction by the customer. All local
1205 exchange companies (LECs) must offer preferred carrier freezes. Such freezes
1206 must be offered on a nondiscriminatory basis to all customers. Offers or
1207 solicitations for such freezes must clearly distinguish among telecommunications
1208 services subject to a freeze (e.g., local exchange, intraLATA-intrastate toll,
1209 interLATA-interstate toll and international toll). The carrier offering the freeze
1210 must obtain separate authorization for each service for which a preferred carrier
1211 freeze is requested. Separate authorizations may be contained within a single
1212 document.

1213 (a) All LECs must notify all customers of the availability of a preferred
1214 carrier freeze, no later than the customer's first telephone bill, and once per year
1215 must notify all local exchange service customers of such availability on an
1216 individual customer basis (e.g., bill insert, bill message, or direct mailing).

1217 (b) All carrier-provided solicitation and other materials regarding freezes
1218 must include an explanation, in clear and neutral language, of what a preferred
1219 carrier freeze is, and what services may be subject to a freeze; a description of
1220 the specific procedures to lift a preferred carrier freeze; an explanation that the
1221 customer will be unable to make a change in carrier selection unless he or she
1222 lifts the freeze; and an explanation of any charges incurred for implementing or
1223 lifting a preferred carrier freeze.

1224 (c) No local exchange carrier may implement a preferred carrier freeze
1225 unless the customer's request to impose a freeze has first been confirmed in
1226 accordance with the procedures outlined for confirming a change in preferred
1227 carrier, as described in subsections (1) and (2) of this section.

1228 (d) All LECs must offer customers, at a minimum, the following procedures
1229 for lifting a preferred carrier freeze:

1230 (i) A customer's written or electronic authorization stating the
1231 customer's intent to lift the freeze;

1232 (ii) A customer's oral authorization to lift the freeze. This option
1233 must include a mechanism that allows a submitting carrier to conduct a three-
1234 way conference call with the executing carrier and the customer in order to lift the
1235 freeze. When engaged in oral authorization to lift a freeze, the executing carrier
1236 must confirm appropriate verification data (e.g., the customer's date of birth), and
1237 the customer's intent to lift the freeze.

1238 (e) A LEC may not change a customer's preferred carrier if the customer
1239 has a freeze in place, unless the customer has lifted the freeze in accordance
1240 with this subsection.

1241 (6) **Remedies.** In addition to any other penalties provided by law, a
1242 submitting carrier that requests a change in a customer's carrier without proper
1243 verification as described in this rule shall receive no payment for service provided
1244 as a result of the unauthorized change and shall promptly refund any amounts
1245 collected as a result of the unauthorized change. The customer may be charged,
1246 after receipt of the refund, for such service at a rate no greater than what would
1247 have been charged by its authorized telecommunications company, and any
1248 such payment shall be remitted to the customer's authorized telecommunications
1249 company.

1250 (7) **Exceptions.** Companies transferring customers as a result of a
1251 merger, purchase of the company, or purchase of a specific customer base are
1252 exempt from subsections (1) through (6) of this section if the companies comply
1253 with the following conditions and procedures:

1254 (a) The acquiring company must provide a notice to each affected
1255 customer at least thirty days before the date of transfer. Such notice must
1256 include the following information:

1257 (i) The date on which the acquiring company will become the
1258 customer's new provider;

1259 (ii) The rates, terms, and conditions of the service(s) to be provided
1260 upon transfer, and the means by which the acquiring company will notify the
1261 customer of any change(s) to those rates, terms, and conditions;

1262 (iii) That the acquiring company will be responsible for any carrier
1263 change charges associated with the transfer;

1264 (iv) The customer's right to select a different company to provide
1265 the service(s);

1266 (v) That the customer will be transferred even if the customer has
1267 selected a "freeze" on his/her carrier choices, unless the customer chooses
1268 another carrier before the transfer date;

1269 (vi) That, if the customer has a "freeze" on carrier choices, the
1270 freeze will be lifted at the time of transfer and the customer must "re-freeze"
1271 carrier choices;

1272 (vii) How the customer may make a complaint prior to or during the
1273 transfer; and,

1274 (viii) The toll-free customer service telephone number of the
1275 acquiring carrier.

1276 (b) The acquiring company must provide a notice to the commission at
1277 least thirty days before the date of the transfer. Such notice must include the
1278 following information:

1279 (i) The names of the parties to the transaction;

1280 (ii) The types of services affected;

1281 (iii) The date of the transfer; and

1282 (iv) That the company has provided advance notice to affected
1283 customers, including a copy of such notice.

1284 (c) If after filing notice with the commission any material changes develop,
1285 the acquiring company must file written notice of those changes with the
1286 commission no more than ten days after the transfer date announced in the prior
1287 notice. The commission may, at that time, require the company to provide
1288 additional notice to affected customers regarding such changes.
1289
1290

1291 PART III. PAYMENTS AND DISPUTES

1292

1293 Amend 480-120-106

1294 480-120-161 Form of bills.

1295 (1) **Bill frequency.** Companies must offer customers, at a minimum, the
1296 opportunity to receive billings on a monthly interval, unless subsection (11) of this
1297 section applies.

1298 (2) **Length of time for payment of a bill.** Bill due dates must reflect a
1299 date which at a minimum allows a customer fifteen days from the date of mailing
1300 for payment.

1301 (a) Upon showing of good cause, a customer may request and the
1302 company must allow the customer to pay by a ~~customer-chosen due date~~ that is
1303 not the normally designated payment date on their bill. Good cause may include,
1304 but is not be limited to, adjustment of the billing cycle to parallel receipt of
1305 income.

1306 (i) A company may not assess late payment fees for the period
1307 between the regularly scheduled due date and the customer-chosen due date so
1308 long as the customer makes payment in full by the customer-chosen due date.

1309 (ii) A company may refuse to establish a preferred payment date
1310 that would extend the payment date beyond the next normally scheduled
1311 payment or due date.

1312 (b) ~~Should charges be If a company is delayed in billing a customer, the~~
1313 ~~company must offer arrangements that are equal to the length of time the bill is~~
1314 ~~delayed beyond a the regularly scheduled billing interval and the customer~~
1315 ~~indicates that payment of the delayed charges in addition to regularly billed~~
1316 ~~charges causes a hardship, a company must offer and must allow the customer~~
1317 ~~the same length of time to pay the delayed charges as it took the company to~~
1318 ~~include the charges on the bill, (e.g., if the bill includes two months delayed~~
1319 ~~charges, the customer must be allowed to pay the charges over two months).~~

1320 (i) Companies may not charge a customer late payment fees on the
1321 delayed charges during the extended payment period.

1322 (3) **Form of bill.** With the consent of the customer, a company may
1323 provide regular billings in electronic form if the bill meets all the requirements of
1324 this rule. The company must maintain a record of the customer's request, and
1325 the customer may change from electronic to printed billing upon request.

1326 (4) **Bill organization.** Telephone bills must be clearly organized, and
1327 must comply with the following requirements:

1328 (a) Bills may only include charges for services that have been requested

1329 by and provided to the customer or other individuals authorized to request such
1330 services on behalf of the customer;

1331 (b) The name of the service provider associated with each charge must be
1332 clearly and conspicuously identified on the telephone bill;

1333 (c) Where charges for two or more carriers appear on the same telephone
1334 bill, the charges must be separated by service provider; and

1335 (d) The telephone bill must clearly and conspicuously identify any change
1336 in service provider, including identification of charges from any new service
1337 provider.

1338 For purposes of this subsection “new service provider” means a service
1339 provider that did not bill the subscriber for service during the service provider’s
1340 last billing cycle. This definition shall include only providers that have continuing
1341 relationships with the subscriber that will result in periodic charges on the
1342 subscriber’s bill, unless the service is subsequently canceled.

1343 For purposes of this subsection, “clearly and conspicuously” means notice
1344 that would be apparent to the reasonable customer.

1345 (5) **Descriptions of billed charges.** Charges contained on telephone
1346 bills must be accompanied by a brief, clear, non-misleading, plain language
1347 description of the service or services rendered. The description must be
1348 sufficiently clear in presentation and specific enough in content so that customers
1349 can accurately determine that the services for which they are billed correspond to
1350 those that they have requested and received, and that the charges shown for
1351 those services conform to their understanding of the price charged.

1352 Bills must identify and set out separately any access or other charges
1353 imposed by order of or at the direction of the Federal Communications
1354 Commission (FCC). In addition, all bills for telephone service within jurisdictions
1355 where taxes are applicable must clearly delineate the amount, or the percentage
1356 rate at which the tax is computed.

1357 (6) **Charges for which service can be discontinued.** Where a bill
1358 contains charges for basic service, in addition to other charges, the bill must
1359 distinguish between charges for which non-payment will result in loss of basic
1360 service. The bill must include telephone numbers by which subscribers may
1361 inquire or dispute any charges on the bill. A carrier may list a toll-free number for
1362 a billing agent, clearinghouse, or other third party, provided such party possesses
1363 sufficient information to answer questions concerning the subscriber’s account
1364 and is fully authorized to resolve the consumer’s complaints on the carrier’s
1365 behalf. Where the subscriber does not receive a paper copy of the customer’s
1366 telephone bill, but instead accesses that bill only by e-mail or internet, the carrier
1367 may comply with this requirement by providing on the bill an e-mail or web site
1368 address. Each carrier must make a business address available upon request
1369 from a consumer.

1370 (7) **Itemized statement.** A company must provide an itemized statement
1371 of all charges when requested by a customer, including, but not limited to the
1372 following:

1373 (a) Rates for individual services;

1374 (b) Calculation of any charges based on a percentage of calls made;

- 1375 (c) Calculations of time or distance charges for calls, and calculations of
 1376 any credit or other account adjustment; and
 1377 (d) When itemizing the charges of information providers, the name,
 1378 address, telephone number, and toll-free number, if any, of the providers.
- 1379 (8) **Methods of payment.**
 1380 (a) Companies must, at a minimum, allow the following methods of
 1381 payment: cash, certified funds (e.g., cashier check or money order), and personal
 1382 checks.
 1383 (b) Upon written notice to a customer, companies may refuse to accept
 1384 personal checks when that customer has tendered two or more non-sufficient-
 1385 funds checks within the last twelve months.
- 1386 (9) **Billing companies.** A company may bill regulated
 1387 telecommunications charges only for companies properly registered to provide
 1388 service within the state of Washington or for billing ~~aggregators~~ agents. The
 1389 company must, in its contractual relationship with the billing ~~aggregator~~ agent,
 1390 require the billing agent to certify that it will submit charges only on behalf of
 1391 properly registered companies; and that it will, upon request of the ~~billing agent~~
 1392 company, provide a current list of all companies for which it bills, including the
 1393 name and telephone number of each company. The ~~billing agent~~ company must
 1394 provide a copy of this list to the commission for its review upon request.
- 1395 (10) **Crediting customer payments.** Unless otherwise specified by the
 1396 customer, payments that are less than the total bill balance must be credited first
 1397 to basic service, with any remainder credited to any other charges on the bill.
 1398 For purposes of this subsection, basic service includes associated fees
 1399 and surcharges such as FCC access charges. Basic service does not include
 1400 ancillary services such as caller identification and custom calling features.
- 1401 (11) **Exemptions from this rule.** Prepaid calling card services (PPCS)
 1402 are exempt from subsections (1) through (10) of this section.

1403
 1404
 1405 **New Section 480-120-X13**

1406 **480-120-162 Cash and urgent payments.**

- 1407 (1) Each local exchange company (LEC) must establish and maintain payment
 1408 agencies for receipt of cash and urgent payments. For purposes of this section,
 1409 a payment agency may be a business office of the company that accepts
 1410 customer payments. An urgent payment is a payment that the company
 1411 requires upon threat of discontinuation of service. Each LEC must use the
 1412 following criteria when determining the number of payment agencies required:
 1413 (a) Exchanges serving over seventy-five thousand access lines must have
 1414 a minimum of one payment agency within the exchange for every fifty thousand
 1415 access lines.
 1416 (b) Exchanges serving twenty-five thousand to seventy-five thousand
 1417 access lines must have a minimum of one payment agency within the exchange.
 1418 (c) LECs that do not have exchanges that meet the criteria in (a) or (b) of
 1419 this subsection must have at least one payment agency.
 1420 (2) The payment agency must clearly post and maintain regular business

1421 hours and may be supported by the same personnel as the business office or
1422 customer service center. It must not assess a charge from the applicant or
1423 customer for processing a payment transaction. Companies may not contract
1424 with a payment agent that charges a fee, surcharge, or any other similar charge
1425 to customers for the provided services and transactions.

1426 (3) A LEC may request a waiver of subsection (1) of this section. At a
1427 minimum, as a condition for waiver, the petitioner must demonstrate that
1428 applicants and customers have a reasonable opportunity to make cash and
1429 urgent payments.

1430 (4) At least thirty days before a planned closure of any payment agency,
1431 business office, or customer service center that accepts cash and urgent
1432 payments, a LEC must provide the commission, in writing, the exchange(s) and
1433 communities affected by the closing, the date of the closing, a list of other
1434 methods and locations available for making cash and urgent payments, and a list
1435 of other methods and locations for obtaining business office and customer
1436 service center services.

1437 (a) A LEC may not close a payment location under this subsection until
1438 alternatives for making cash and urgent payments have been provided to
1439 affected customers.

1440 (5) When a LEC is made aware of the fact that a payment agency has
1441 either closed without company knowledge or is refusing to accept company
1442 payments, it has thirty days to establish a replacement station within the same
1443 geographical area and must provide alternatives for making cash and urgent
1444 payments until a replacement station as been established.

1445
1446

1447 **Amend 480-120-116**
1448 **480-120-163 Refunding an for overcharge.**

1449 A company must refund overcharges to the customer with interest, retroactive to
1450 the time of the overcharge, up to a maximum of two years, as set forth in RCW
1451 80.04.230 and 80.04.240. This rule does not limit other remedies available to
1452 customers.

1453
1454

1455 **New Section 480-120-X34**
1456 **480-120-164 Pro-rata credits.**

1457 Every telecommunications company must provide pro-rata credits to customers
1458 of a service whenever that service is billed on a monthly basis and is not
1459 available for more than a total of twenty-four hours in a billing cycle. The
1460 minimum amount of the pro-rata credit is an amount equal to the charge for the
1461 twenty-four hours that triggers the credit requirement, plus an additional amount
1462 equal to the charge for one day of service for each day or portion of a day of
1463 service lost beyond the twenty-four hours. **The minimum amount of pro-rata**
1464 **credit a company must provide is the monthly cost of service divided by**
1465 **thirty, then multiplied by the number of days or portions of days during**
1466 **which service was not provided.**

1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513

For example:

(Cost of Service)

X (Number of days or portions of days without service) = Pro Rata Credit

(Thirty)

Pro-rata credits are not required when force majeure, customer premises equipment, or inside wiring is the proximate cause for the unavailability of a service. If a company provides a credit amount for unavailable service that is equal to or greater than the credit amount required by this rule, the amount of credit required by this rule need not be provided.

Amend 480-120-101

480-120-165 Complaints and disputes.

(1) When a company receives an oral or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the company must acknowledge the complaint 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; and
- (f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the 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 or customer regarding another company's service for which it provides only billing service, the company must 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.

New Section 480-120-X33

~~480-120-166 Customer complaints--Responding to commission.~~

(1) Each company must keep a record of all complaints concerning service or rates for at least three years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

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

1514 (43) Applicants, customers, or their authorized representatives, may file
1515 with the commission an informal complaint as described in WAC 480-09-150 or a
1516 formal complaint against a company when there are alleged violations of
1517 statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and 480-
1518 09-500.

1519 (24) When the commission staff refers an informal complaint to a
1520 company, the company must:

1521 (a) ~~Hold Stop~~ any pending action involving the issues raised in the
1522 complaint provided any amounts not in dispute are paid when due (e.g., if the
1523 complaint involves a disconnect threat or collection action, the disconnect or
1524 collection action must be stopped if ~~all nondisputed amounts are paid in full~~);

1525 (b) ~~Receive permission from the commission staff person handling the~~
1526 ~~complaint before attempting further contact with the complainant;~~

1527 (c) Thoroughly investigate all issues raised in the complaint and provide a
1528 complete report of the results of its investigation to the commission, including, if
1529 applicable, information that demonstrates that the company's action was in
1530 compliance with commission rules; and

1531 (d) Take corrective action, if warranted, as soon as appropriate under the
1532 circumstances.

1533 (5) Commission staff will ask the customer filing the informal complaint
1534 whether the customer wishes to speak directly to the company during the course
1535 of the complaint, and will relay the customer's preference to the company at the
1536 time staff opens the complaint.

1537 (36) The company must report the results of its investigation ~~as follows:~~

1538 (a) ~~The company must report the results of service-affecting~~ informal complaints
1539 to commission staff within two business days from the date commission staff
1540 passes the complaint to the company. Service-affecting complaints include, but
1541 are not limited to, nonfunctioning or impaired services (i.e., disconnected
1542 services or those ~~services which are not operating~~ functioning properly ~~or~~
1543 ~~disconnected services~~).

1544 (b) (7) The company must report the results of its investigation of non-
1545 service-affecting informal complaints to commission staff within five business
1546 days from the date commission staff passes the complaint to the company. Non-
1547 service-affecting complaints include, but are not limited to, billing disputes and
1548 rate quotes.

1549 (4) (8) Unless another time is specified in this rule or unless commission
1550 staff specifies a later date, the company must provide complete responses to
1551 requests from commission staff for additional information on pending informal
1552 complaints within three business days.

1553 (5) (9) The company must keep commission staff informed when relevant
1554 changes occur in what has been previously communicated to the commission
1555 and when there is final resolution of the informal complaint.

1556 (10) An informal complaint opened with the company by commission staff
1557 may not be considered closed until commission staff informs the company that
1558 the complaint is closed.

1559 (11) The company must provide information requested by staff regarding

1560 any informal complaint in accordance with subsections (6) and (7) of this section
1561 until such time as staff informs the company that the complaint is closed.

1562 ~~(6) Each company must keep a record of all complaints concerning~~
1563 ~~service or rates for at least three years and, on request, make them readily~~
1564 ~~available for commission review. The records must contain complainant's name~~
1565 ~~and address, date and the nature of the complaint, action taken, and final result.~~
1566 ~~(7) Each company must have personnel available during regular business hours~~
1567 ~~to address customer complaints or inquiries and to respond to commission staff.~~
1568 ~~Regular business days mean Monday through Friday, excluding official state~~
1569 ~~holidays.~~

1570
1571

1572 **New Section 480-120-X30**

1573 **480-120-167 Company responsibility.**

1574 When a customer informs the commission that the customer has identified a
1575 problem with service or billing or other matters and the customer has been told
1576 by two or more companies that the problem is not ~~that~~ the responding company's
1577 responsibility but another company's responsibility, commission staff will inform
1578 the companies.

1579 Once the commission has contacted the companies, the companies must
1580 confer with each other within ~~two~~ three business days and determine which
1581 company will take the lead responsibility to resolve the customer's problem. The
1582 company accepting lead responsibility must contact the commission and begin
1583 resolution of the problem ~~within one~~ on the first business day ~~of~~ following the ~~two~~
1584 three business days allotted by this subsection for a conference between the
1585 companies.

1586 Companies must confer, allocate responsibility between the companies, and the
1587 company with lead responsibility must contact the commission, as required by
1588 this section. ~~The commission may penalize one or more of the involved~~
1589 ~~companies. After conferring, if the companies cannot resolve the matter and~~
1590 neither one will accept the lead, each company must contact the commission and
1591 report the status of the dispute within two days of conferring. The report must
1592 contain detailed explanations of the company's position.

1593
1594

1595 **PART IV. DISCONTINUING AND RESTORING SERVICE**

1596

1597 **New Section 480-120-X22**

1598 **480-120-171 ~~Discontinuation of~~ Discontinuing service--Customer**
1599 **requested.**

1600 (1) This section applies to residential, business, and resale services discontinued
1601 at the customer's request. The customer must notify the company of the date the
1602 customer wishes to discontinue service. If the customer moves from the service
1603 address and fails to request discontinuation of service, the customer must pay for
1604 service taken at the service address until the company can confirm that the

1605 customer has vacated the premise or a new party has taken responsibility for the
1606 service.

1607 (2) A company must stop a customer's monthly recurring or minimum
1608 charges effective on the requested discontinuation date. The customer may be
1609 held responsible for use charges incurred after the requested discontinuation
1610 date when the company can prove that the calls were made or authorized by the
1611 customer of record. This section does not preclude a company from collecting
1612 minimum service commitment penalties when a customer disconnects service
1613 prior to fulfilling the tariff, price list, or contract commitment.

1614 (3) When a customer indicates that, in addition to stopping recurring
1615 monthly charges, the customer requires that the service be physically
1616 disconnected, the company must physically disconnect service within the time
1617 frames below:

1618 (a) For services that do not require a field visit, the company must
1619 disconnect service not later than one business day from the requested
1620 disconnect date; and

1621 (b) For services that require a premise visit to complete the request, the
1622 company must disconnect service no later than two business days from the
1623 requested disconnect date.

1624 ~~(4) The company must treat the customer's service as continuing through~~
1625 ~~a change in location from one premise to another within the same exchange,~~
1626 ~~where facilities exist, if a request for service at the new premise is made before~~
1627 ~~discontinuation of service at the old premise and service is not subject to~~
1628 ~~discontinuation for cause. A customer is entitled to the same type of service at~~
1629 ~~the new premise unless precluded by the tariff or price list of the company.~~

1630 ~~(5) When a customer directs the local exchange company (LEC) to discontinue~~
1631 ~~service, the LEC must either notify the customer's presubscribed interLATA and~~
1632 ~~intraLATA toll carriers of the discontinuation or inform the customer that it is the~~
1633 ~~customer's obligation to contact those carriers directly.~~

1634
1635

1636 **Amend 480-120-081**

1637 **480-120-172 Discontinuation of Discontinuing service--Company initiated.**

1638 (1)(a) A company may discontinue service without notice or without further notice
1639 when after conducting a thorough investigation, it determines:

- 1640 (i) The customer has tampered with the company's property;
1641 (ii) The customer has used service through an illegal connection;
1642 (iii) The customer has vacated the premise without informing the

1643 company;

1644 (iv) The customer, in response to a delinquency notice as described
1645 in subsection (6) of this section, pays the delinquent balance with a check or
1646 electronic payment that is subsequently dishonored by the bank or other financial
1647 institution;

1648 (v) The customer failed to keep payment arrangements agreed
1649 upon in response to a delinquency notice as described in subsection (6) of this
1650 section; or

1651 (vi) The customer is unlawfully using service or using service for
1652 unlawful purposes; or

1653 (vii) The customer has obtained service by providing in another
1654 false or deceptive information manner.

1655 (b) **Restoring service after first occurrence.** The company must restore
1656 service once the customer has corrected the deceptive practice in subsection
1657 (1)(a)(i)-(vii) of this section, has paid the estimated amount of service that was
1658 taken through deceptive means, all costs resulting from the deceptive use, any
1659 applicable deposit, and if applicable, payment in full of all any delinquent balance
1660 owed to the company by the that customer for the same class of service. Not
1661 withstanding WAC 480-120-056122(1)-(3) 480-120-X21123(1), a company may
1662 require a deposit from a customer that has obtained service in a false or
1663 deceptive manner. A company is not required to allow six-month arrangements
1664 on a delinquent balance as provided for in WAC 480-120-061(7) when it can
1665 demonstrate that a customer obtained service through deceptive means in order
1666 to avoid payment of a delinquent amount owed to that company.

1667 (c) **Restoring service after second occurrence.** A company may refuse
1668 to restore service to a customer who has been discontinued twice for deceptive
1669 practices, subject to appeal by the customer to the commission.

1670 (2) A company may discontinue service for any of the following reasons
1671 after providing proper notice:

1672 (a) For violation of rules, statutes, service agreement, filed tariff(s), or
1673 price list(s);

1674 (b) ~~For unlawful use of service for unlawful purposes by the customer;~~

1675 ~~(c) For use of customer equipment that adversely affects the company's~~
1676 ~~service to its other customers; or~~

1677 ~~(d)(c)~~ For nonpayment of any regulated charges including deposit, as
1678 provided in the tariff or price list of the company. Service may not be
1679 discontinued, in whole or in part, for nonpayment of charges incurred from
1680 information delivery services as provided for in WAC 480-120-~~089~~254 or
1681 disputed third party-billed charges.

1682 (3) A company may only discontinue or restrict services for nonpayment of
1683 charges owed to the company or to a company with which it has a billing and
1684 collection agreement. Services may only be discontinued or restricted under the
1685 following circumstances:

1686 (a) Basic service may only be discontinued or restricted for nonpayment of
1687 basic service charges;

1688 (b) Ancillary services may only be discontinued for nonpayment of
1689 ancillary charges or if a delinquent balance results in discontinuation of basic
1690 service;

1691 (c) Interexchange access may only be discontinued or restricted for
1692 nonpayment of interexchange charges or if a delinquent balance results in
1693 discontinuation of basic service.

1694 (i) At its discretion, the company may permit access to toll-free
1695 numbers while a customer's service is toll restricted.

1696 (ii) The company may not charge fees for toll restriction when

1697 implemented as a result of a discontinuation action.

1698 (d) Companies are prohibited from using a shift in rate plan as a
1699 discontinuation method.

1700 (4) Upon any complete discontinuation of service to a customer, the
1701 company must discontinue charges for service as of the date of the
1702 discontinuation.

1703 (5) **Medical Emergencies.** (a) When a local exchange company (LEC)
1704 has cause to discontinue residential basic service or has discontinued service it
1705 must postpone total service discontinuation or reinstate toll restricted basic
1706 service that permits both making and receiving calls and access to E911 for a
1707 grace period of five business days after receiving either oral or written notice
1708 ~~from any source~~ of the existence of a medical emergency. The LEC must
1709 reinstate service during the same day if the customer contacts the LEC prior to
1710 the close of the business day and requests a same-day reconnection.
1711 Otherwise, the LEC must restore service by 12:00 p.m. the next business day.
1712 When service is reinstated the LEC cannot require payment of a reconnection
1713 charge or deposit before reinstating service but may bill the charges at a later
1714 date. ~~The LEC must restore service within the following periods after receiving~~
1715 ~~notice of the medical emergency:~~

1716 (i) ~~If the customer's service has been discontinued within the last~~
1717 ~~forty-eight hours, and the customer does not currently have access to 911,~~
1718 ~~restricted service must be reinstated as soon as possible, but no later than four~~
1719 ~~hours after notice; or~~

1720 (ii) ~~If a discontinued customer has access to 911 emergency~~
1721 ~~services or, if basic service or restricted basic service has been discontinued for~~
1722 ~~a period that exceeds forty-eight hours, the company must restore service as~~
1723 ~~soon as possible but no later than twelve hours after notice.~~

1724 (b) The LEC may require that the customer submit written certification
1725 from a qualified medical professional, within five business days, stating that the
1726 discontinuation of basic service or restricted basic service would aggravate an
1727 existing medical condition of a resident of the household. "Qualified medical
1728 professional" means a licensed physician, nurse practitioner, or physician's
1729 assistant authorized to diagnose and treat the medical condition without
1730 supervision of a physician. Nothing in this subsection precludes a company from
1731 accepting other forms of certification, but the maximum the company can require
1732 is written certification. If the company requires written certification, it may not
1733 require more than the following information:

1734 (i) Residence address location;

1735 (ii) An explanation of how the current medical condition will be
1736 aggravated by the discontinuation of basic service or restricted basic service;

1737 (iii) A statement of how long the condition is expected to last; and

1738 (iv) The title, signature, and telephone number of the person
1739 certifying the condition.

1740 (c) The medical certification is valid only for the length of time the health
1741 endangerment is certified to exist, but no longer than sixty ninety days unless
1742 renewed.

1743 (d) A medical emergency does not excuse a customer from paying
1744 delinquent and ongoing charges. The company may require that, within the five-
1745 business-day grace period, the customer pay a minimum of twenty-five percent
1746 of the delinquent basic service balance or ten dollars whichever is greater and
1747 enter into an agreement to pay the remaining delinquent basic service balance
1748 within ~~sixty~~ ninety days, and agree to pay subsequent bills when due.

1749 Nothing in this subsection precludes the company from agreeing to an
1750 alternate payment plan, but the company must not require the customer to pay
1751 more than this section prescribes and must send a notice to the customer
1752 confirming the payment arrangements within two business days.

1753 (e) The company may discontinue basic service or restricted basic service
1754 without further notice if, within the five-business-day grace period, the customer
1755 fails to provide an acceptable medical certificate or pay twenty-five percent of the
1756 delinquent basic service balance. The company may discontinue basic service
1757 or restricted basic service, without further notice, if the customer fails to abide by
1758 the terms of the payment agreement.

1759 (6) **Discontinuation notice requirements.** The company must provide
1760 the customer notice before discontinuing service except as described in
1761 subsection (1) of this section. Notice consists of the following requirements:

1762 (a) Each company must provide a written discontinuation notice to the
1763 customer either by first class mail, personal delivery to the customer's service
1764 address, or electronically delivered when the company has the technical
1765 capability and the customer consented to this delivery method. Delivered notice
1766 will be deemed effective if handed to a person of apparent competence in the
1767 residence, handed to a person employed at the place of business of the
1768 customer, if it is a business account, or attached to the primary door of the
1769 residence unit or business office where service is provided if no person is
1770 available to receive notice. Each discontinuation notice must, at a minimum,
1771 include:

1772 (i) A discontinuation date that is not less than eight business days
1773 after the date the notice is mailed, transmitted electronically, or personally
1774 delivered;

1775 (ii) The amount(s) owing for the service(s) that is subject to
1776 discontinuation or restriction;

1777 (iii) A statement that indicates the amount a customer must pay to
1778 maintain basic service or restricted basic service;

1779 (iv) Instructions on how to correct the problem to avoid the
1780 discontinuation;

1781 (v) Information about any discontinuation or restoration charges
1782 that may be assessed; and

1783 (vi) The company's name, address, and a toll-free number where
1784 the customer may contact the company to discuss the pending discontinuation of
1785 service.

1786 (b) If the company discovers that the information provided on the notice
1787 failed to meet the minimum requirements of (a) of this subsection, or if it
1788 discovers it provided incorrect information on the notice, the company must

1789 restore services, and reissue a second notice with accurate information as
1790 described in this section.

1791 (c) If the company has not discontinued service within ten business days
1792 of the first day the discontinuation may be implemented, the discontinuation
1793 notice is void, unless the customer and the company have entered into a
1794 mutually acceptable payment agreement with payment dates that exceed the
1795 ten-business-day period. Upon a void notice, the company must provide a new
1796 discontinuation notice to the customer if it intends to discontinue service at a later
1797 date.

1798 (7) In addition to the notice required in subsection (6) of this section, a
1799 company must attempt to make personal contact with a customer prior to
1800 discontinuing service. Any of the following methods will satisfy the personal
1801 contact requirement:

1802 (a) **Delivered notice.** Delivered notice will be deemed effective if handed
1803 to a person of apparent competence in the residence, handed to a person
1804 employed at the place of business of the customer, if it is a business account, or
1805 attached to the primary door of the residence unit or business office where
1806 service is provided if no person is available to receive notice. The notice must
1807 state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the
1808 next business day after the date of delivery; or

1809 (b) **Electronically-issued notice.** If the company has the technical
1810 capability to provide electronic notice and the customer has agreed to receive
1811 notice in electronic form, the notice sent by the company must state a scheduled
1812 discontinuation date that is not earlier than 5:00 p.m. of the second business day
1813 after the date of delivery; or

1814 (c) **Mailed notice.** The notice sent by the company may not include a
1815 scheduled discontinuation date that is earlier than 5:00 p.m. of the third business
1816 day after the date of mailing. The date of mailing is not the first day of the notice
1817 period; or

1818 (d) **Telephone notice.** The company must attempt at least two times to
1819 contact the customer during regular business hours. If the company is unable to
1820 reach the customer, the company must attempt to contact the customer using
1821 any business or message number provided. The company must keep a log or
1822 record of the calls for a minimum of ninety calendar days showing the telephone
1823 number called, the time of the call, and details of the results of each attempted
1824 call.

1825 (e) A company need not attempt personal contact as provided for in (a)
1826 through (d) of this subsection when the company has had cause, in any two
1827 previous billing periods during a consecutive twelve-month period, to attempt
1828 such contact and the company has notified the customer in writing that such
1829 contact will not be attempted in the future before effecting a discontinuation of
1830 services.

1831 (8) Except in case of danger to life or property, companies may not
1832 discontinue service on days that it is not fully staffed to discuss discontinuation
1833 and reestablish service to the customer on the same or the following day.

1834 (9) When the company has reasonable grounds to believe that service is

1835 to other than the party of record, the company must take reasonable efforts to
1836 inform the occupants at the service address of the impending discontinuation.
1837 Upon request of one or more service users, the company must allow a minimum
1838 period of five business days to permit the service user to arrange for continued
1839 service.

1840 The company is not required to allow the additional five days when a
1841 thorough investigation indicates there is deceptive activity at the service address.

1842 (10) LECs must provide notice of pending local service discontinuation to
1843 the secretary, Washington state department of social and health services, and to
1844 the customer, where it provides service to a facility with resident patients,
1845 including but not limited to hospitals, medical clinics, or nursing homes. Upon
1846 request from the secretary or a designee, the company must allow a delay in
1847 discontinuation of no less than five business days from the date of notice so that
1848 the department may take whatever steps are necessary in its view to protect the
1849 interests of patients living within the facilities.

1850 (11) **Remedy and appeals.** The company must not discontinue or restrict
1851 service while a customer is pursuing any remedy or appeal provided for by these
1852 rules, if the customer pays any amounts not in dispute when due, and the
1853 customer corrects any conditions posing a danger to health, safety, or property.
1854 The company must inform the customer of these provisions when the customer is
1855 referred to a company's supervisor or the commission.

1856 During a dispute a company may, upon authorization from commission
1857 staff, discontinue service when a customer's toll charges substantially exceed the
1858 amount of any deposit or customary use and it appears the customer may incur
1859 excessive, uncollectible toll charges while an appeal is being pursued. A
1860 customer whose service is subject to discontinuation may maintain service
1861 pending resolution of any dispute upon payment of outstanding toll charges
1862 subject to refund if the dispute is resolved in the customer's favor.

1863 (12) **Payment at a payment agency.** Payment of any past-due amounts
1864 to a designated payment agency of the company constitutes payment to the
1865 company when the customer informs the company of the payment and the
1866 company verifies the payment.

1867

1868

1869 **New Section 480-120-X07**

1870 **480-120-173 Restoring service after discontinuation.**

1871 (1) A company must restore a discontinued service when:

1872 (a) The causes of discontinuation not related to a delinquent balance have
1873 been removed or corrected;

1874 (b) Payment or satisfactory arrangements for payment of all proper
1875 charges due from the applicant, including any proper deposit, have been made;

1876 (c) Payment or satisfactory arrangements for payment of proper
1877 reconnection fees due from the applicant have been made; or

1878 (d) The commission staff directs restoration pending resolution of any
1879 dispute between the company and the applicant or customer over the propriety of
1880 discontinuation.

1881 (2) After the customer notifies the company that the causes for
1882 discontinuation have been corrected, and the company has verified the
1883 correction, the company must restore service(s) within the following periods:
1884 (a) Service(s) that do not require a premise visit for reconnection must be
1885 restored within one business day; and
1886 (b) Service(s) that requires a premise visit for reconnection must be
1887 restored within two business days.
1888 (i) Companies must provide customers a four-hour window during
1889 which the company will arrive to complete the restoration.
1890 (c) For purposes of this section Saturdays are considered business days.
1891
1892

1893 **New Section 480-120-X32**

1894 **480-120-174 Restoring service based on Washington telephone assistance**
1895 **program (WTAP) or federal enhanced tribal lifeline program eligibility.**

1896 Local exchange companies (LECs) must restore service for any customer who
1897 has had basic service discontinued for non-payment under WAC 480-120-
1898 084172 (Discontinuation of service--Company initiated) if the customer was not a
1899 participant in either Washington telephone assistance program (WTAP) or the
1900 federal enhanced tribal lifeline program at the time service was discontinued and
1901 if the customer is eligible to participate in WTAP or the federal enhanced tribal
1902 lifeline program at the time the restoration of service is requested.

1903 (1) To have service restored under this section, a customer whose
1904 service is restored under this section must establish eligibility for either WTAP or
1905 the federal enhanced tribal lifeline program, agree to continuing participation in
1906 WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic
1907 service and ancillary service amounts due to the LEC in six monthly installments
1908 at the monthly rate of no-more than one and one-half times the telephone
1909 assistance rate required to be paid by WTAP participants as ordered by the
1910 commission under WAC 480-122-020, and agree to toll restriction, and or
1911 ancillary service restriction, or both, if the company requires it, until the unpaid
1912 amounts are paid. Companies must not charge for toll restriction when restoring
1913 service under this section. The one-time six-month payment arrangement is
1914 subject to the same conditions as those described in WAC 480-120-061.

1915 (2) In the event a customer receiving service under this section fails to
1916 make a timely payment for either monthly basic service or for unpaid basic
1917 service or ancillary service, the company may discontinue service pursuant to
1918 WAC 480-120-084172.

1919 (3) Nothing in this rule precludes the company from entering into separate
1920 payment arrangements with any customer for unpaid toll charges.
1921
1922

1923 **PART V. POSTING AND PUBLICATION NOTICE**

1924
1925 (No change to rule adopted in U-991301)

- 1926 **480-120-193 Posting of tariffs for public inspection and review.**
 1927
 1928
 1929 (No change to rule adopted in U-991301)
 1930 **480-120-194 Publication of proposed tariff changes to increase charges or**
 1931 **restrict access to services.**
 1932
 1933
 1934 (No change to rule adopted in U-991301)
 1935 **480-120-195 Notice of tariff changes other than increases in recurring**
 1936 **charges and restrictions in access to services.**
 1937
 1938
 1939 (No change to rule adopted in U-991301)
 1940 **480-120-196 Customer notice requirements--Competitively classified**
 1941 **telecommunications companies or services.**
 1942
 1943
 1944 (No change to rule adopted in U-991301)
 1945 **480-120-197 Adjudicative proceedings where public testimony will be**
 1946 **taken.**
 1947
 1948
 1949 (No change to rule adopted in U-991301)
 1950 **480-120-198 Notice verification and assistance.**
 1951
 1952
 1953 (No change to rule adopted in U-991301)
 1954 **480-120-199 Other customer notice.**
 1955
 1956

1957 **PART VI. CUSTOMER INFORMATION**

- 1958
 1959 **Amend 480-120-087**
 1960 **480-120-201 Telephone solicitation.**
 1961 (1) Local exchange companies (LECs) must notify customers of their rights under
 1962 RCW 80.36.390 with respect to telephone solicitation.
 1963 (2) For purposes of this section, "telephone solicitation" means the
 1964 unsolicited initiation of a telephone call by a commercial or nonprofit company to
 1965 a residential customer for the purpose of encouraging that person to purchase
 1966 property, goods, or services or soliciting donations of money, property, goods, or
 1967 services. "Telephone solicitation" does not include:
 1968 (a) Calls made in response to a request or inquiry by the called party.
 1969 This includes calls regarding an item that has been purchased by the called party
 1970 from the company or organization during a period not longer than twelve months

1971 prior to the telephone contact;

1972 (b) Calls made by a not-for-profit organization to its own list of bona fide or

1973 active members of the organization;

1974 (c) Calls limited to polling or soliciting the expression of ideas, opinions, or

1975 votes; or

1976 (d) Business-to-business contacts.

1977 (3) Each LEC must provide notice by annual bill inserts mailed to its

1978 residential customers or by conspicuous publication of the notice in the consumer

1979 information pages of its directories that clearly informs customers, at a minimum,

1980 of at least the following rights under the law:

1981 (a) Within the first thirty seconds, solicitors must identify themselves, their

1982 company or organization, and the purpose of the call;

1983 (b) Under Washington law residential customers have the right to keep

1984 telephone solicitors from calling back. If, at any time during the conversation, the

1985 customer requests to not be called again and to have the customer's or to have

1986 his or her name and telephone number removed from the calling list used by the

1987 company or organization making the telephone solicitation, the then:

1988 (i) The company or organization must not have a solicitor call the

1989 customer for at least one year; make any additional telephone solicitation of the

1990 called party at that telephone number for a period of at least one year; and

1991 (ii) (c) Companies The company or organizations may not sell or

1992 give the customer's name and or telephone number to another company or

1993 organization;

1994 ~~(d) Under Washington law residential customers have the right to keep~~

1995 ~~telephone solicitors from calling back; and~~

1996 ~~(e) The office of the attorney general is authorized to enforce this law. In~~

1997 ~~addition, individuals may sue the solicitor for a minimum of one hundred dollars~~

1998 ~~per violation. If the lawsuit is successful, the individual may also recover court~~

1999 ~~and attorney's fees.~~

2000 (i) ~~To file a complaint, or request more information on the law, the~~

2001 ~~customer may write to the Consumer Protection Division of the Attorney~~

2002 ~~General's Office at 900 fourth Ave, Suite 2000, Seattle, Washington 98164-~~

2003 ~~4012 or by email at protect@atg.wa.gov. Consumers may also call the division~~

2004 ~~weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.~~

2005 (ii) ~~When the customer files a complaint, the customer should~~

2006 ~~include the name and address of the individual, business, group, or organization,~~

2007 ~~the time the calls were received, the nature of the calls, and any additional~~

2008 ~~information available.~~

2009 (c) The office of the attorney general is authorized to enforce this law. In

2010 addition, individuals may sue the solicitor for a minimum of one hundred dollars

2011 per violation. If the lawsuit is successful, the individual may also recover court

2012 and attorney's fees.

2013 (i) To file a complaint, or request more information on the law, the

2014 customer may write to the Consumer Protection Division of the Attorney

2015 General's Office at 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-

2016 1012, or by email at protect@atg.wa.gov. Consumers may also call the division

2017 weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.
2018 (ii) When the customer files a complaint, the customer should
2019 include the name and address of the individual, business, group, or organization,
2020 the time the calls were received, the nature of the calls, and any additional
2021 information available.
2022
2023

2024 **New Section**

2025 **480-120-202 Using a customer's call detail information.**

2026 (1) Except as provided in this section, a company may not use, disclose, or
2027 permit access to a customer's call detail information, unless the customer has
2028 given explicit written ("opt-in") approval.

2029 (2) Without seeking or obtaining customer approval, a company may use,
2030 disclose, or permit access to a customer's call detail information to the extent
2031 necessary to:

2032 (a) Initiate, render, bill, and collect for telecommunications services the
2033 customer has purchased or requested;

2034 (b) Protect the rights or property of the company, or to protect users of
2035 those services and other companies from fraudulent, abusive, or unlawful use of,
2036 or subscription to, such services; and

2037 (c) Resolve formal and informal complaints communicated to the
2038 commission by an applicant or customer.
2039
2040

2041 **New Section**

2042 **480-120-203 Using private account information in the provision of services.**

2043 Without seeking or obtaining customer approval, a company may use, disclose,
2044 or permit access to a customer's private account information to the extent
2045 necessary to:

2046 (1) Initiate, render, bill, and collect for telecommunications services the
2047 customer has purchased or requested;

2048 (2) Protect the rights or property of the company, or to protect users of
2049 those services and other companies from fraudulent, abusive, or unlawful use of,
2050 or subscription to, such services; and

2051 (3) Resolve formal and informal complaints communicated to the
2052 commission by a customer or applicant.
2053
2054

2055 **New Section**

2056 **480-120-204 Using private account information during an inbound call.**

2057 A company may use, disclose, or permit access to a customer's private account
2058 information to the extent necessary to provide any inbound telemarketing,
2059 referral, or administrative services to the customer for the duration of the call, if:

2060 (1) Such call was initiated by the customer; and

2061 (2) During the call and prior to the company's use of the information, the
2062 customer expresses approval for the company to use the information during the

2063 call.

2064

2065

2066 **New Section**

2067 **480-120-205 Using private account information for marketing related**
2068 **services.**

2069 (1) Unless the customer directs otherwise, a company may use a customer's
2070 private account information, with the exception of call detail, that results from the
2071 company's provision of service to provide or market service offerings within the
2072 same category of service. Specifically, a local exchange company may use a
2073 customer's private account information to market to that customer services
2074 formerly known as adjunct-to-basic services, such as, but not limited to, speed
2075 dialing, computer-provided directory assistance, call monitoring, call tracing, call
2076 blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call
2077 forwarding, and certain centrex features.

2078 (2) Unless the customer directs otherwise, if a company provides different
2079 categories of service, and a customer subscribes to more than one category of
2080 service offered by the company, the company may use the customer's private
2081 account information, with the exception of call detail, that results from the
2082 company's provision of a service to provide or market service offerings that are
2083 within any of the categories of service to which the customer subscribes.

2084 (3) A company may not use a customer's private account information as
2085 provided for in subsections (1) and (2) of this section unless it has provided
2086 notice to each customer pursuant to WAC 480-120-207 and provides the
2087 customer with reasonable opportunity to direct the company not to use the
2088 information ("opt- out") pursuant to WAC 480-120-208.

2089

2090

2091 **New Section**

2092 **480-120-206 Using private account information for marketing unrelated**
2093 **services.**

2094 (1) A company may not use, disclose, or permit access to a customer's private
2095 account information to market service offerings that are within a category of
2096 service to which the customer does not already subscribe to from that company,
2097 unless the customer has given explicit written ("opt-in") approval.

2098 (2) A company may not use, disclose, or permit access to a customer's
2099 private account information for any other purpose not specifically allowed in WAC
2100 480-120-203, 480-120-204, and 480-120-205, unless the customer has given
2101 explicit written ("opt-in") approval.

2102

2103

2104 **New Section**

2105 **480-120-207 Notice when use of private account information is permitted**
2106 **unless a customer directs otherwise ("opt-out").**

2107 (1) This section applies when a company, pursuant to WAC 480-120-205, uses a
2108 customer's private account information unless the customer directs otherwise

2109 ("opt-out"). If a company that is permitted to use the opt-out method voluntarily
2110 uses the opt-in method, the requirements of WAC 480-120-209 will apply.

2111 (2) A company may not use a customer's private account information
2112 pursuant to WAC 480-120-205 unless, at least once in the past year, the
2113 company has provided a written notice to the customer, as provided for in this
2114 section, and provides the customer with a reasonable opportunity to opt-out at
2115 any time.

2116 (3) The written notice must be mailed separately from any advertising or
2117 promotional material. It may be included with the customer's bill.

2118 (4) The written notice must be posted on the company's web site and must
2119 be readily accessible from the company's home page.

2120 (5) Any opt-out notice must include the following items:

2121 (a) The notice must inform customers that the name, address, and
2122 telephone number, if published in the telephone directory, are not private
2123 information and will not be withheld from telemarketers if the customer opts-out.

2124 (b) The notice must describe each purpose for which private account
2125 information may be used and specifically state whether the private account
2126 information will be used to market services to the customer.

2127 (c) The notice must state that the customer has a right to direct the
2128 company not to use the customer's private account information and that doing so
2129 will not affect the provision of any services to which the customer subscribes.

2130 (d) The notice must include a disclaimer that an opt-out directive for
2131 private account information does not prevent the company from making
2132 telephone solicitation or telemarketing calls to the customer and does not prevent
2133 the company from including the customer's listed name, address, and telephone
2134 number in lists sold, leased or provided to other firms. This disclaimer is not
2135 required if the company's practice is to exclude customers who opt-out of private
2136 account information use from use or disclosure for telemarketing purposes.

2137 (e) The notice must be in plain language and must not be misleading.

2138 (f) The notice must be clearly legible, in twelve-point or larger type, and be
2139 placed so as to be readily apparent to a customer.

2140 (g) A company may state in the notice that the use of private account
2141 information may enhance the company's ability to offer products and services
2142 tailored to the customer's needs, if such a statement is accurate.

2143 (h) A company may state in the notice that the customer, upon affirmative
2144 written request, may compel the company to provide private account information
2145 to any person.

2146 (i) The notice must state that the customer should expect to receive
2147 written confirmation within ten days of the directive and suggest that the
2148 customer call the company if the confirmation is not received by this time

2149 (6) The notice must prominently state specific instructions by which the
2150 customer can direct the company not to use the customer's private account
2151 information. The dedicated opt-out telephone number required by WAC 480-
2152 120-204(a) must be printed in bolder type than the body of the notice and must
2153 be in twenty-four point or larger type.

2154
2155

2156 **New Section**

2157 **480-120-208 Mechanisms for opting out of use, disclosure, and access to**
2158 **private customer account information.**

2159 (1) This section applies when a company, pursuant to WAC 480-120-205, uses,
2160 discloses, or permits access to a customer's private account information unless
2161 the customer directs otherwise ("opt-out").

2162 (2) At a minimum, the company must provide the following mechanisms
2163 for opting out by:

2164 (a) Calling a dedicated, toll-free telephone number that provides access to
2165 a live or automated operator at all times. The telephone number must be
2166 generally accessible from all areas of the state;

2167 (b) Calling any telephone number that the company provides for billing
2168 or customer service inquiries;

2169 (c) Marking a box or blank on the notice and returning it to a stated
2170 address;

2171 (d) Marking a box or blank that the company must include on the face of
2172 every payment coupon provided to the customer for the customer's regular bill
2173 payment;

2174 (e) Electronic mail, if the company otherwise receives or sends electronic
2175 mail messages to its customers; and

2176 (f) Completing an opt-out form on the company's web site. The opt-out
2177 form must be directly linked to the written notice required by WAC 480-120-207.
2178 The web site must be accessible to the public using generally available browser
2179 software.

2180 (3) A company may require, as part of any opt-out mechanism, that the
2181 customer comply with reasonable procedures to verify the identity of the
2182 customer. Any opt-out verification procedure must be no more burdensome on
2183 the customer than any verification procedure used by the company when a
2184 customer provides explicit ("opt-in") approval or orders additional services on an
2185 existing account.

2186 (4) In addition to the specific requirements of this section, a company that
2187 relies on the absence of an opt-out directive to use, disclose, or permit access to
2188 a customer's private account information must use its best efforts to implement
2189 the privacy directives of its customers without regard to the form of those
2190 directives.

2191

2192

2193 **New Section**

2194 **480-120-209 Notice when explicit ("opt-in") approval is required.**

2195 (1) This section applies when explicit ("opt-in") approval of the customer is
2196 required for a company to use, disclose, or permit access to a customer's private
2197 account information.

2198 (2) A company must maintain records of customer notification and approval.

2199 (3) Any solicitation for explicit customer approval must be accompanied by a
2200 written notice to the customer of the customer's right to restrict use of, disclosure
2201 of, and access to that customer's private account information. The notice must

2202 state that private account information includes all information related to specific
2203 calls initiated or received by a customer.

2204 (a) The notice must state that the customer has a right under federal and
2205 state law to protect the confidentiality and limit the use, disclosure, and access to
2206 the customer's private account information.

2207 (b) The notice must state that the company has a duty under federal and state
2208 law to protect the confidentiality of private account information and to comply with
2209 the customer's limitations on use, disclosure of, and access to the information.

2210 (c) The notice must specify the types of information that constitute private
2211 account information. If a company is seeking explicit approval to use, disclose,
2212 or permit access to call detail information, the notice must specify that private
2213 account information includes the telephone numbers of all calls made or received
2214 by the customer.

2215 (d) The notice must specify the specific names of entities, including affiliates
2216 and subsidiaries, which may receive private account information and whether the
2217 private account information can be used, disclosed, or accessed by any entity or
2218 person other than the company providing the notice.

2219 (e) The notice must describe each purpose for which private account
2220 information can be used, disclosed, or accessed and specifically disclose
2221 whether the private account information can be used to market services to the
2222 customer.

2223 (f) The notice must inform the customer that approval by the customer is
2224 voluntary and that no action is required to protect the customer's private account
2225 information.

2226 (g) The notice must inform the customer that deciding not to approve will not
2227 affect the provision of any services to which the customer subscribes.

2228 (h) The notice must be comprehensible and must not be misleading.

2229 (i) The notice must be clearly legible, in twelve-point or larger type, and be
2230 placed so as to be readily apparent to a customer.

2231 (j) If any portion of a notice is translated into another language, then all
2232 portions of the notice must be translated into that language.

2233 (k) A company may state in the notice that the customer's approval to use,
2234 disclose, or permit access to private account information may enhance the
2235 company's ability to offer products and services tailored to the customer's needs,
2236 if the statement is accurate.

2237 (l) A company may state in the notice that the customer, upon affirmative
2238 written request, may compel the company to disclose the customer's private
2239 account information to any person.

2240 (m) The notice must state that any approval for use, disclosure of, or
2241 access to private account information may be revoked or limited at any time.

2242 (n) The notice must state that the customer should expect to receive
2243 written confirmation within ten days and suggest that the customer call the
2244 company if the confirmation is not received by this time.

2245 (4) Opt-in approval by the customer must be in writing.
2246
2247

2248
2249
2250
2251
2252
2253
2254
2255
2256
2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
2268
2269
2270
2271
2272
2273
2274
2275
2276
2277
2278
2279
2280
2281
2282
2283
2284
2285
2286
2287
2288
2289
2290
2291
2292
2293

New Section

480-120-211 Confirming change in approval status.

(1) Each time a company receives a customer's "opt-out" directive or explicit "opt-in" approval, the company must confirm in writing the change in approval status to the customer within ten days. The written confirmation must be mailed to the customer's billing address and must be separate from any other mail from the company. The confirmation must include a summary of the effect of the customer's opt-out or opt-in choice and must provide a reasonable method to notify the company if the company made an error in changing the customer's approval status.

(2) A company may not use, disclose, or permit access to a customer's private account information based on a customer's explicit "opt-in" approval until three weeks after mailing the confirmation to the customer.

New Section

480-120-212 Duration of customer approval or disapproval.

Any "opt-out" directive or explicit "opt-in" approval received by a company will remain in effect until the customer revokes, modifies, or limits such directive or approval.

New Section

480-120-213 Safeguards required for using private account information.

Every company has a duty to protect the confidentiality of private account information.

(1) Companies must train all personnel who have access to private account information as to when they are and are not authorized to use, disclose, or permit access to private account information, and companies must implement an express disciplinary process to deal with violations of the requirement.

(2) Companies must establish a supervisory review process regarding company compliance with rules governing use, disclosure of, or access to private account information for outbound marketing situations and must maintain records of company compliance for at least two years. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) An officer of the company must certify to the commission on an annual basis that the company is in compliance with the rules concerning private account information. A statement explaining how the company is in compliance with commission rules on this topic rules must accompany the certificate.

The certificate and the compliance statement must be filed with the company's annual report to the commission.

New Section

480-120-214 Disclosing customer proprietary network information.

A company must disclose any or all customer proprietary network information

2294 upon affirmative written request by the customer, to any person designated by
2295 the customer.

2296

2297

2298 **Amend 480-120-144**

2299 **480-120-215 ~~Use of~~ Using privacy listings for telephone solicitation.**

2300 (1) A local exchange company may not make telephone solicitation or
2301 telemarketing calls using its list of customers with nonpublished or unlisted
2302 numbers unless it has notified each such customer at least once in the past year
2303 that the company makes such calls to its customers with nonpublished or
2304 unlisted numbers and that the customer has a right to ~~request~~ direct that the
2305 company make no such calls.

2306 (2) When the company provides the notice required in subsection (1) of
2307 this section in writing, the notice must include a toll-free number and an e-mail
2308 address the customer may use to state that solicitation should not be made.

2309 (3) When the company provides the notice in subsection (1) of this section
2310 by phone call, the customer must be informed that inclusion in a solicitation list
2311 may be declined and if declined, the company must not make any additional
2312 solicitation.

2313

2314

2315 **New Section**

2316 **480-120-216 Using subscriber list information for purposes other than**
2317 **directory publishing.**

2318 If a company uses or provides subscriber list information for purposes other than
2319 directory publishing, it must exclude from use or disclosure the subscriber list
2320 information of any customer who subscribes to a privacy listing, including a
2321 nonpublished or unlisted number, or who directs the company to exclude
2322 subscriber list information relating to his or her service.

2323

2324

2325 **PART VII. TELECOMMUNICATIONS SERVICES**

2326

2327 **Amend 480-120-042**

2328 **480-120-251 Directory service.**

2329 (1) A local exchange company (LEC) must ensure that a telephone directory is
2330 regularly published for each local exchange it serves, listing the name, address
2331 (unless omission is requested), and primary telephone number for each of its
2332 customers who can be called in that local exchange. This requirement does not
2333 apply to nonlisted numbers, nonpublished numbers, wide area telephone service
2334 (WATS), ~~and~~ or cellular telephone numbers.

2335 (2) Any residential customer may request from the LEC a dual-name
2336 primary directory listing that contains, in addition to the customer's surname, the
2337 customer's given name or initials (or combination thereof) and either one other
2338 person with the same surname who resides at the same address or a second
2339 name, other than surname, by which the customer is also known, including the

2340 married name of a person whose spouse is deceased.

2341 (3) A LEC must provide each customer a copy of the directory for the
2342 customer's local exchange area if the directory provided for in subsection (2) of
2343 this section does not contain information for all listings that can be called toll free
2344 from a customer's local exchange, excluding nonlisted, nonpublished, WATS,
2345 and cellular telephone numbers, the company must provide a copy of the
2346 directory or directories required for that coverage upon request at no charge.

2347 (4) Telephone directories published at the direction of a LEC must be
2348 revised at least once every fifteen months, except when it is known that
2349 impending service changes require rescheduling of directory revision dates. To
2350 keep directories correct and up to date, companies may revise the directories
2351 more often than specified.

2352 (5) Each LEC that publishes a directory, or contracts for the publication of
2353 a directory, must print an informational listing (LEC name and telephone number)
2354 when one is requested by any other LEC providing service in the area covered
2355 by the directory. The LEC to whom the request is made may impose reasonable
2356 requirements on the timing and format of informational listings, provided that
2357 these requirements do not discriminate between LECs.

2358 (6) Any LEC whose "welcome letter" or "confirming notice" relating to initial
2359 service as required by WAC 480-120-044-105(1), does not contain the
2360 information contained in subsection (a) through (f), must publish or have
2361 published in the directory provided to its customers, a consumer information
2362 guide that details the rights and responsibilities of its customer. The guide must
2363 describe the:

2364 (a) Process for establishing credit and determining the need and amount
2365 for deposits;

2366 (b) Procedure by which a bill becomes delinquent;

2367 (c) Steps that must be taken by the company to disconnect service;

2368 (d) Washington telephone assistance program (WTAP);

2369 (e) Federal enhanced tribal lifeline program, if applicable; and

2370 (g) Right of the customer to pursue any dispute with the company,
2371 including the appropriate procedures within the company and then to the
2372 commission by informal or formal complaint.

2373

2374

2375 **New Section 480-120-X31**

2376 **480-120-252 Intercept services.**

2377 (1) Directory error. In the event of an error in the listed number of any customer,
2378 the customer's local exchange company (LEC) must, until a new directory is
2379 published, intercept all calls to the incorrectly listed number to give the calling
2380 party the correct number of the called party, provided it is permitted by existing
2381 central office equipment and the incorrectly listed number is not a number
2382 ~~presently~~ currently assigned to another customer. In the event of an error or
2383 omission of a customer's white page listing, the company must maintain the
2384 customer's correct name and telephone number in the files of its directory
2385 assistance operator, ~~and its~~ operator or, if applicable, provide the corrected

2386 information to its directory assistance contractor. A company or its contractor
2387 must furnish the correct name and telephone number to a calling party upon
2388 request. The company may not charge a customer for intercept services under
2389 these circumstances.

2390 (2) Company-directed telephone number change. When a company must
2391 change a customer's telephone number, for any reason after a directory is
2392 published, and the change is made at the LEC's direction, the LEC must, at no
2393 charge, intercept all calls to the former number, if existing central office
2394 equipment will permit, for the shorter of thirty days or until a new directory is
2395 published that reflects the customer's new number. The During that period, the
2396 company must provide a calling party the new number for that customer unless
2397 the customer has requested that such referral not be made.

2398 (3) Number changes related to changes in service. When a company
2399 must change a telephone number to complete a move, change, addition, or
2400 deletion of service, except as provided for in this subsection, the LEC must
2401 intercept all calls to the former number at no charge, if existing central office
2402 equipment will permit, for a minimum period of thirty days or until a new directory
2403 is published. The company must provide a calling party the new number for that
2404 customer unless the customer has requested that such referral not be made.

2405 Companies are not required to provide intercept service at no charge
2406 when the change is requested by a customer at the customer's existing address
2407 for reasons other than harassing or misdirected calls.

2408 (4) A company may provide and may bill for intercept services, other than
2409 those described in subsections (1) through (3) of this section, that are requested
2410 by the customer.

2411 (5) When the company schedules additions or changes to plant or records
2412 that necessitate a large group of number changes that are not addressed by a
2413 specific commission order, the company must give a minimum of six months'
2414 notice to all customers then of record and so affected even though the additions
2415 or changes may coincide with a new directory being issued.

2416
2417

2418 **Amend 480-120-088**

2419 **480-120-253 Automatic dialing-announcing device (ADAD).**

2420 (1) An automatic dialing and announcing device (ADAD) is a device that
2421 automatically dials telephone numbers and plays a recorded message
2422 once a connection is made.

2423 (2) "Commercial solicitation" means an unsolicited initiation of a
2424 telephone conversation for the purpose of encouraging a person to
2425 purchase property, goods, or services.

2426 (3) This rule regulates the use of ADADs for purposes other than
2427 commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for
2428 purposes of commercial solicitation intended to be received by telephone
2429 customers within the state.

2430 (4) This rule does not apply to the use of ADADs by government
2431 agencies to deliver messages in emergency situations.

2432 (5) ~~Use of an ADAD.~~ Except for emergency notification as
2433 provided for in subsection (6) of this section, an ADAD may be used for
2434 calls to telephone customers within the state only if:

2435 (a) The recorded message states the nature of the call, identifies
2436 the individual, business, group, or organization for whom the call is being
2437 made, and telephone number to which a return call can be placed; and
2438 (b) It automatically disconnects the telephone connection within two
2439 seconds after the called party hangs up the receiver.

2440 (c) The ADAD does not dial unlisted telephone numbers (except as
2441 provided in this subsection), designated public service emergency
2442 telephone numbers as listed in published telephone directories, or any
2443 telephone number before 8:30 a.m. or after 9:00 p.m. An ADAD may dial
2444 an unlisted number if the ADAD is being used to deliver the name,
2445 telephone number, or brief message of a calling party to a called party
2446 when the called party's line was busy or did not answer.

2447 (6) ~~Use of an ADAD for emergency notification.~~ An emergency
2448 ADAD may be connected to the telephone network and used only if:

2449 (a) The ADAD contains sensors that will react only to a steady tone
2450 of at least four seconds duration, broadcasts only on frequencies allocated
2451 by the FCC for emergency services, and is designed to prevent accidental
2452 triggering of emergency calls;

2453 (b) The ADAD provides some audible tone or message that alerts
2454 the user that the device has been activated and will automatically dial the
2455 preprogrammed emergency number unless manually deactivated within
2456 thirty to forty-five seconds;

2457 (c) The ADAD provides for disconnection within two seconds when
2458 the called party performs a predetermined function;

2459 (d) The ADAD satisfies applicable state safety requirements; and

2460 (e) The user registers the instrument with, and receives written
2461 approval for, its use from the emergency service entity to which an
2462 automatic call would be directed, secures from such entity an approved
2463 telephone number or numbers to be programmed into the instrument, and
2464 does not program the instrument to dial unlisted numbers, law
2465 enforcement numbers, or E911 emergency response numbers.

2466 (7) ~~Notification of the LEC.~~

2467 (a) Before any ADAD may be operated while connected to the
2468 telephone network, the potential ADAD user, unless it is a facilities-based
2469 LEC using its own facilities, must notify, in writing, the LEC whose facilities
2470 will be used to originate calls. The notice must include the intended use of
2471 the ADAD equipment, the calendar days and clock hours during which the
2472 ADADs will be used, an estimate of the expected traffic volume in terms of
2473 message attempts per hour and average length of completed message,
2474 and written certification that the equipment can effectively preclude calls to
2475 unlisted telephone numbers, designated public service emergency
2476 numbers, or any number or series of numbers on a list of telephone
2477 customers that may be in the future designated by tariff, regulation, or

2478 statute, as customers who are not to receive ADAD calls.

2479 (ba) The ADAD user must notify the LEC in writing within thirty days
2480 of any changes in the ADAD operation that would result in either an
2481 increase or decrease in traffic volume.

2482 (eb) For new applications for ADADs, the LEC must review the
2483 statement of intended use of ADAD equipment to determine whether there
2484 is a reasonable probability that use of the equipment will overload its
2485 facilities and may refuse to provide connections for the ADADs or may
2486 provide them subject to conditions necessary to prevent an overload.

2487 (8) ~~Suspension or termination of service to ADAD users.~~

2488 (a) A LEC may suspend or terminate service to an ADAD user if the
2489 LEC determines that the volume of calling originated by the ADAD is
2490 degrading the service furnished to others. The LEC must provide at least
2491 five days' notice before suspending or terminating service, unless the
2492 ADAD creates an overload in the LEC's switching office, in which case it
2493 may terminate service immediately, with no prior notice.

2494 (b9) If a LEC learns that a customer is using an ADAD in violation
2495 of the provisions of this rule, the LEC must suspend or terminate the
2496 service of any ADAD user five days after the ADAD user receives a
2497 termination notice or immediately, with no prior notice, if use of the ADAD
2498 creates overloading in a LEC's switching office.

2499 (910) ~~Records of ADAD equipment in use.~~ Each LEC must maintain
2500 records of any ADAD equipment a user reports to the LEC as being connected to
2501 its facilities. If requested by the commission, the LEC must provide the name of
2502 the individual business, group, or organization using the ADAD, their address,
2503 and the telephone number or numbers associated with the ADAD.

2504
2505

2506 **Amend 480-120-089**

2507 **480-120-254 Information delivery services.**

2508 (1) For purposes of this section:

2509 "Information-delivery services" means telephone recorded messages,
2510 interactive programs, or other information services that are provided for a charge
2511 to a caller through an exclusive telephone number prefix.

2512 "Information provider" means the persons or corporations that provide the
2513 information, prerecorded message, or interactive program for the information-
2514 delivery service.

2515 "Interactive program" means a program that allows a caller, once
2516 connected to the information provider's announcement machine, to access
2517 additional information by using the caller's telephone.

2518 (2) Local exchange companies (LECs) offering access to information-
2519 delivery services must provide each residential customer the opportunity to block
2520 access to all information delivery services offered by that company. Companies
2521 must fulfill an initial request for blocking free of charge. Companies may charge
2522 a tariffed or price listed fee for subsequent blocking requests (i.e., if a customer
2523 has unblocked his or her access).

2524 (3) The LEC must inform residential customers of the blocking service
2525 through a single-topic bill insert and publication of a notice in a conspicuous
2526 location in the consumer information pages of the local white pages telephone
2527 directory. The LEC must include in the notice and bill insert the residential
2528 customers' rights under the law, the definition of "information delivery services"
2529 as defined in subsection (1) of this section, and a statement that these services
2530 often are called "900" numbers. The LEC must include notice that customers
2531 have the right under Washington law to request free blocking of access to
2532 information-delivery services on their residential telephone lines, that blocking will
2533 prevent access to information-delivery services from their residential telephone
2534 line, that customers may request free blocking of access to information-delivery
2535 services on their residential telephone lines by calling the LEC at a specified
2536 telephone number, that the Washington utilities and transportation commission is
2537 authorized under RCW 80.36.500 to enforce this law, and that customers may
2538 contact the commission for further information. The LEC must include the
2539 commission's address, toll-free telephone number, and website:

2540
2541 Washington Utilities and Transportation Commission
2542 Consumer Affairs Section
2543 1300 South Evergreen Park Drive, SW
2544 P.O. Box 47250
2545 Olympia, WA 98504-7250
2546 1-800-562-6150
2547 www.wutc.wa.gov
2548

2549 (4) Any company that provides billing, customer service, or collection
2550 services for an information provider must require, as a ~~condition of part of its~~
2551 contract for that service, that the information provider include in any advertising
2552 or promotion a prominent statement of the cost to the customer of the information
2553 service.

2554
2555

2556 **Amend 480-120-543**

2557 **480-120-255 Caller identification service.**

2558 ~~For purposes of this section, "primary rate interface services" means an ISDN~~
2559 ~~service that uses a digital rate of one thousand five hundred forty-four Mbits per~~
2560 ~~second, whether used like business trunks for digital PBXs with up to twenty-four~~
2561 ~~circuits at a rate of sixty-four kbits per second per circuit, or used as a single~~
2562 ~~circuit at the DS1 rate. A company may offer caller identification service if the~~
2563 ~~company complies with this section.~~

2564 (1) The company that provides caller identification service must provide its
2565 retail customers the capability of blocking the delivery of their numbers, names,
2566 or locations both on a per call basis and on a per line basis. The company must
2567 not charge a monthly fee or per call fee for caller identification blocking. The
2568 company must not charge a nonrecurring fee for caller identification blocking:

2569 (a) When the service is requested at the time an access line is connected;

2570 (b) The first time the service is added to an access line; or
2571 (c) The first time the service is removed from an access line.

2572 (2) At least ninety days before offering caller identification services the
2573 company must send notice to its customers. The notice must explain caller
2574 identification per call blocking, caller identification line blocking, a customer's
2575 right to have the numbers blocked one-time free of charge, and an explanation
2576 that call blocking does not apply to the delivery of caller numbers, name, or
2577 locations to a 911 or enhanced 911 service, other emergency service, or a
2578 customer-originated trace. The notice must include an explanation that call
2579 blocking will not work on all services, including, but not limited to 800 and 900
2580 numbers, long distance, and primary rate interface service.

2581 For purposes of this section, "primary rate interface services" means an
2582 ISDN service that uses a digital rate of one thousand five hundred forty-four
2583 Mbits per second, whether used like business trunks for digital PBXs with up to
2584 twenty-four circuits at a rate of sixty-four kbits per second per circuit, or used as a
2585 single circuit at the DS1 rate. A company may offer caller identification service if
2586 the company complies with this section.

2587
2588

2589 (No change to 480-120-530)

2590 **480-120-256 Emergency services.**

2591
2592

2593 **Amend 480-120-505**

2594 **480-120-261 Operator services.**

2595 (1) An operator service provider must protect the confidentiality of all
2596 communications it carries, processes, or transmits unless otherwise authorized
2597 by law.

2598 (2) Each operator service provider must develop procedures its
2599 employees must follow to provide operator assistance to customers, ensure that
2600 when automated operator services are provided by it, customers can access a
2601 live operator, ensure that call timing for operator-assisted calls provided by its
2602 operators is accurately recorded, and ensure that its operators receiving 0- and
2603 E911 calls are capable of routing calls in a manner that will allow access to the
2604 proper local emergency service agency and connecting calls twenty-four-hours a
2605 day.

2606
2607

2608 **Amend 480-120-141**

2609 **480-120-262 Operator service providers (OSPs).**

2610 (1) Only for the purpose of this section:

2611 "Consumer" means the party paying for a call using operator services. For
2612 collect calls, a consumer is both the originating party and the party who receives
2613 the call.

2614 "Customer" means the call aggregator or pay phone service provider
2615 (PSP) contracting with an operator service provider (OSP) for service, such as
2616 hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

2617 "Operator service provider (OSP)" means any corporation, company,
2618 partnership, or person providing a connection to intrastate or interstate long-
2619 distance or to local services from locations of call aggregators.

2620 "Operator services" means any telecommunications service provided to a
2621 call aggregator location that includes automated or live assistance to customers
2622 in billing or completing (or both) telephone calls, other than those billed to the
2623 number from which the call originated or those completed through an access
2624 code used to bill a customer's account previously established with the company.

2625 This section applies to OSPs providing operator services from pay phones
2626 and other call aggregator locations. Each OSP must maintain a current list of the
2627 customers it serves in Washington and the locations and telephone numbers
2628 where the service is provided. ~~No OSP may provide service to a PSP that is not
2629 fully in compliance with commission rules.~~

2630 (2) **Posted disclosure.** OSPs must post clearly, legibly, and
2631 unobstructed, on or near the front of the pay phone the presubscribed OSP's
2632 name, address, and toll-free number, as registered with the commission. This
2633 information must be updated within thirty days after a change of OSPs. OSPs
2634 must post a notice to consumers that they can access other long distance
2635 companies and, in contrasting colors, the commission compliance number for
2636 consumer complaints and the following information:

2637
2638 "If you have a complaint about service from this pay
2639 phone and are unable to resolve it by calling the
2640 repair or refund number or operator, please call the
2641 commission at 1-888-333-WUTC (9882).
2642

2643 (3) **Oral disclosure of rates.** This subsection applies to all calls from
2644 pay phones or other call aggregator locations, including, but not limited to, prison
2645 phones and store-and-forward pay phones or "smart" phones. When a collect
2646 call is placed, both the consumer placing the call and the consumer receiving the
2647 call must be given the rate quote options required by this section.

2648 (a) **Oral rate disclosure message required.** Before an operator-assisted
2649 call from a call aggregator location can be connected by a presubscribed OSP,
2650 the OSP must first provide a oral rate disclosure message to the consumer. If
2651 the charges to the consumer do not exceed the benchmark rate in (f) of this
2652 subsection, the oral rate disclosure message must comply with the requirements
2653 of (b) of this subsection. In all other instances, the oral rate disclosure message
2654 must comply with the requirements of (c) of this subsection.

2655 (b) **Rate disclosure method when charges do not exceed benchmark.**
2656 The oral rate disclosure message must state that the consumer may receive a
2657 rate quote and explain the method of obtaining the quote. The method of
2658 obtaining the quote may be by pressing a specific key or keys, but no more than
2659 two keys, or by staying on the line. If the consumer follows the directions to

2660 obtain the rate quote, the OSP must state all rates and charges that will apply if
2661 the consumer completes the call.

2662 (c) **Rate disclosure method when rates exceed benchmark.** The oral
2663 rate disclosure message must state all rates and charges that will apply if the
2664 consumer completes the call.

2665 (d) **Charge must not exceed rate quote.** If the OSP provides a rate
2666 quote pursuant to either (b) or (c) of this subsection, the charges to the user must
2667 not exceed the quoted rate. If a consumer complains to the commission that the
2668 charges exceeded the quoted rate, and the consumer states the exact amount of
2669 the quote, there will be a rebuttable presumption that the quote provided by the
2670 complaining consumer was the quote received by the consumer at the time the
2671 call was placed or accepted.

2672 (e) **Completion of call.** Following the consumer's response to any of the
2673 above, the OSP must provide oral information advising that the consumer may
2674 complete the call by entering the consumer's calling card number.

2675 (f) **Benchmark rates.** An OSP's charges exceed the benchmark rate if
2676 the sum of all charges, other than taxes and fees required by law to be assessed
2677 directly on the consumer, exceeds:

- 2678 (i) ~~Three~~ One dollar and ~~fifty cents~~ (\$1.00) for a one-minute call;
- 2679 (ii) ~~Five~~ Three dollars and ~~fifty cents~~ (\$3.00) for a five-minute call; or
- 2680 (iii) ~~Eight~~ Five dollars and ~~fifty cents~~ (\$5.50) for a ten-minute call.

2681 (4) **Access.** Pay phones must provide access to the services identified in
2682 WAC 480-120-138~~263~~(3).

2683 (5) **Branding.** The OSP must identify audibly and distinctly the OSP
2684 providing the service at the beginning of every call, including an announcement
2685 to the called party on collect calls. The OSP must ensure that the call begins no
2686 later than immediately following the prompt to enter billing information on
2687 automated calls and on live and automated operator calls, when the call is
2688 initially routed to the operator. The OSP must state the name of the company as
2689 registered with the commission (or its registered "doing business as" name)
2690 whenever referring to the OSP. When not necessary to identify clearly the OSP,
2691 the company may omit terms such as "Company," "Communications,"
2692 "Incorporated," or "Of the Northwest."

2693 (6) **Billing.** The OSP must provide to the billing company applicable call
2694 detail necessary for billing purposes and an address and toll-free number for
2695 consumer inquiries. The OSP must ensure that consumers are not billed for calls
2696 that are not completed. For billing purposes calls must be itemized, identified,
2697 and rated from the point of origination to the point of termination. An OSP may
2698 not transfer a call to another company unless the call can be billed from the point
2699 of origin. The OSP must provide specific call detail upon request, in accordance
2700 with WAC 480-120-106~~161~~ (Form of bills). Charges billed to a credit card need
2701 not conform to the call detail requirements of that section.

2702 (7) **Operational capabilities.** The OSP must answer at least ninety
2703 percent of all calls within ten seconds of the time the call reaches the company's
2704 switch. The OSP must maintain adequate facilities in all locations so the overall
2705 blockage rate for lack of facilities, including the facilities for access to consumers'

2706 preferred interexchange companies, does not exceed one percent in the time-
2707 consistent busy hour. Should excessive blockage occur, the OSP must
2708 determine what caused the blockage and take immediate steps to correct the
2709 problem. The OSP must reoriginate calls to another company upon request and
2710 without charge when technically able to accomplish reorigination with screening
2711 and allow billing from the point of origin of the call. If reorigination is not
2712 available, the OSP must provide dialing instructions for the consumer's preferred
2713 company.

2714 (8) **Emergency calls.** For purposes of emergency calls, every OSP must
2715 be able to transfer the caller into the appropriate E911 system and to the public
2716 safety answering point (PSAP) serving the location of the caller with a single
2717 keystroke from the operator's console, to include automatic identification of the
2718 exact location and address from which the call is being made. The OSP must be
2719 able to stay on the line with the emergency call until the PSAP representative
2720 advises the operator that they are no longer required to stay on the call. The
2721 OSP must provide a toll-free number for direct access to PSAPs should
2722 additional information be needed when responding to a call for assistance from a
2723 phone using the provider's services. That emergency contact information must
2724 not be considered proprietary.

2725 (9) **Fraud protection.**

2726 (a) A company may not bill a call aggregator for:

2727 (i) Charges billed to a line for originating calls using company
2728 access codes, toll-free access codes, or originating calls that otherwise reach an
2729 operator position if the originating line subscribed to outgoing call screening or
2730 pay phone specific ANI coding digits and the call was placed after the effective
2731 date of the outgoing call screening or pay phone specific ANI coding digits order;
2732 or

2733 (ii) Collect or third-number-billed calls if the line serving the call that
2734 was billed had subscribed to incoming call screening (also termed "billed number
2735 screening") and if the call was placed after the effective date of the call screening
2736 service order.

2737 (b) The access line provider must remove from the call aggregator's bill
2738 any calls billed through the access line provider in violation of this subsection. If
2739 investigation by the access line provider determines that the pertinent call
2740 screening or pay phone specific ANI coding digits was operational when the call
2741 was made, the access line provider may return the charges for the call to the
2742 company as not billable.

2743 (c) Any call billed directly by an OSP, or through a billing method other
2744 than the access line provider, which is billed in violation of this subsection, must
2745 be removed from the call aggregator's bill. The company providing the service
2746 may request an investigation by the access line provider. If the access line
2747 provider determines that call screening or pay phone specific ANI coding digits
2748 (which would have prevented the call) was subscribed to by the call aggregator
2749 and was not operational at the time the call was placed, the OSP must bill the
2750 access line provider for the call.

2751 (10) **Suspension.** The commission may suspend the registration of any

2752 company providing operator services if the company fails to meet minimum
2753 service levels or to provide disclosure to consumers of protection available under
2754 chapter 80.36 RCW and pertinent rules.

2755 Except as required by federal law, no provider of pay phone access line
2756 service may provide service to any OSP whose registration is suspended.

2757
2758

2759 **Amend 480-120-138**

2760 **480-120-263 Pay phone service providers (PSPs).**

2761 “Presubscribed operator service provider” means the provider of operator
2762 services to which the customer is connected when the customer places a call
2763 using a provider of operator services without dialing an access code.

2764 (1) A local exchange company (LEC) within the state of Washington must
2765 allow pay phone service providers (PSPs) to connect pay phones to its network,
2766 and a LEC must file a tariff or price list with the commission to include the rates
2767 and conditions applicable to providing service to pay phones via its network.

2768 (2) **Registration and application of rules.**

2769 (a) PSPs operating a pay phone within the state of Washington must
2770 register by:

2771 (i) Submitting a master business application to the master license
2772 service, department of licensing; and

2773 (ii) Obtaining a unified business identifier (UBI) number. A PSP
2774 that already has a UBI number need not reapply.

2775 (b) Except where pay phone services or PSPs are specifically referenced,
2776 the rules of general applicability to public service companies or
2777 telecommunications companies do not apply to pay phone services. This does
2778 not exempt PSPs from rules applicable to complaints and disputes (WAC 480-
2779 120-404165), or remedies or sanctions for violations of rules applicable to PSP
2780 operations.

2781 (3) **Access.** At no charge to the calling party, pay phones must provide
2782 access to:

2783 (a) Dial tone;

2784 (b) Emergency services by dialing 911 without the use of a coin or
2785 entering charge codes;

2786 (c) Operator;

2787 (d) Telecommunications relay service calls for the hearing-impaired;

2788 (e) All available toll-free services; and

2789 (f) All available interexchange companies, including the LEC.

2790 (4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed
2791 location on or near the front of the pay phone:

2792 (a) The rate for local calls, including any restrictions on the length of calls
2793 in thirty point or larger type print or a different and contrasting color;

2794 (b) Notice that directory assistance charges may apply, and to ask the
2795 operator for rates;

2796 (c) Notice that the pay phone does not make change, if applicable;

2797 (d) The emergency number (E911);

- 2798 (e) The name, address, phone number, and unified business identifier
2799 (UBI) number of the owner or operator;
- 2800 (f) A toll-free number to obtain assistance if the pay phone malfunctions,
2801 and procedures for obtaining a refund;
- 2802 (g) The name, address, and toll-free number of all presubscribed operator
2803 service providers (OSPs), as registered with the commission. This information
2804 must be updated within thirty days of a change in the OSP. Refer to WAC 480-
2805 120-441262 for OSP definition and rules;
- 2806 (h) Notice to callers that they can access other long distance companies;
- 2807 (i) The phone number of the pay phone, including area code. When the
2808 pay phone is in an area that has had an area code change, the area code
2809 change must be reflected on the pay phone within thirty days of the area code
2810 conversion; and
- 2811 (j) In contrasting colors, the commission compliance number for customer
2812 complaints, to include the following information:

2813
2814 "If you have a complaint about service from this
2815 pay phone and are unable to resolve it by
2816 calling the repair or refund number or operator,
2817 please call the commission at 1-888-333-WUTC
2818 (9882)."
2819

2820 (5) **Operation and functionality.** A PSP must order a separate public
2821 access line (PAL) for each pay phone installed. The commission may waive this
2822 requirement if a company demonstrates that technology accomplishes the same
2823 result as a one-to-one ratio by means other than through a PAL, that the service
2824 provided to customers is fully equivalent, and that all emergency calling
2825 requirements are met. This PAL must pass the appropriate screening codes to
2826 the connecting company to indicate that the call is originating from a pay phone.
2827 In addition:

- 2828 (a) The pay phone, if coin operated, must return coins to the caller in the
2829 case of an incomplete call and must be capable of receiving nickels, dimes, and
2830 quarters.
- 2831 (b) Pay phone keypads must include both numbers and letters.
- 2832 (c) Where enhanced 911 is operational, the address displayed to the
2833 public safety answering point (PSAP) must be that of the phone instrument if
2834 different from the public access line demarcation point and the phone number
2835 must be that of the pay phone.
- 2836 (d) Extension telephones may be connected to a PAL only for the purpose
2837 of monitoring emergency use. The pay phone must be clearly labeled to indicate
2838 that "911 calls are monitored locally." An extension phone must be activated
2839 only when 911 is dialed from the pay phone, and must be equipped with a "push
2840 to talk" switch or other mechanism to prevent inadvertent interruption of the
2841 caller's conversation with the PSAP.
- 2842 (e) Cordless and tabletop pay phones may be connected to the telephone
2843 network only when the bill is presented to the user before leaving the premise

2844 where the bill was incurred, unless the customer requests that the call be
2845 alternatively billed.

2846 (f) Pay phones may not restrict the number of digits or letters that can be
2847 dialed.

2848 (g) Pay phones may provide credit-only service, or coin and credit service.

2849 (h) Pay phones must provide two-way service, and no charge may be
2850 imposed by the PSP for incoming calls. Exceptions to two-way service are
2851 allowed under the following circumstances:

2852 (i) Service provided to hospitals and libraries where a telephone
2853 ring might cause undue disturbance;

2854 (ii) Service provided within a building on the premises of a private
2855 business establishment, at the discretion of the business owner. For purposes of
2856 this section, premises where people have access to public transportation such as
2857 airports, bus and train stations are not considered private business
2858 establishments; and

2859 (iii) Service at locations where local governing jurisdictions or law
2860 enforcement find that incoming calls may be related to criminal or illicit activities
2861 and have provided proper notice under subsection (6) of this section. Each pay
2862 phone restricted to one-way service must be clearly marked on or near the front
2863 of the pay phone with information detailed in subsection (6) of this section.

2864 (6) **Restrictions.** A PSP may only limit the operational capabilities of a
2865 pay phone when a local governing jurisdiction or other governmental agency
2866 submits a notice to the commission using prescribed forms a minimum of ten
2867 days prior to the restriction. Restrictions may include, but are not limited to,
2868 blocking incoming calls, limiting touch-tone capabilities, and coin restriction
2869 during certain hours. The notice must be signed by an agent of the local
2870 governing jurisdiction in which the pay phone is located who has authority to
2871 submit the request, and must state the jurisdiction's reasons for the restriction. A
2872 copy of the notice must also be served on the PSP no later than ten days prior to
2873 the restriction.

2874 The requestor must post a notice prominently visible at the pay phone(s)
2875 ten days prior to the proposed restriction. The notice must explain what is
2876 proposed and how to file an objection with the governing agency.

2877 Once the restriction is in place, the PSP must post on or near each
2878 restricted pay phone, in legible and prominent type, a description of each
2879 limitation in effect, the times when the restrictions will be in effect, and the name
2880 and toll-free number of the governmental agency recommending the restriction.

2881 (7) **Telephone directories.** The provider of the PAL must furnish without
2882 charge one current telephone directory each year for each PAL. The PSP must
2883 ensure that a current directory is available at every pay phone.

2884 (8) **Malfunctions and rule violations.** The PSP must correct, within five
2885 days, malfunctions of the pay phone or rule violations reported to the repair or
2886 refund number or the commission.

2887
2888
2889 **(Placeholder for 480-120-052)** (Adopted in UT-991922)

2890 **480-120-264 Prepaid calling services.**

2891

2892

2893 **PART VIII. FINANCIAL RECORDS AND REPORTING RULES**

2894

2895 (No change to 480-120-029)

2896 **480-120-301 Accounting requirements for competitively classified**
2897 **companies.**

2898

2899

2900 **Amend 480-120-031**

2901 **480-120-302 Accounting requirements for companies not competitively**
2902 **classified as competitive.**

2903 (1)(a) Companies with two percent or more of state access lines and companies
2904 with less than two percent of state access lines are classified as follows:

2905

2906

| Class | Number of Access Lines as of December 31 from prior year's annual report |
|--------------|---|
|--------------|---|

2907

2908

2909

2910

2911

| | |
|---|-------------------------------------|
| A | 2% or more of state access lines |
|---|-------------------------------------|

2912

2913

| | |
|---|---------------------------------------|
| B | Less than 2% of state access lines |
|---|---------------------------------------|

2914

2915

2916

For example:

2917

| | |
|---------------------------------------|--------|
| Company X access lines as of 12/31/98 | 33,823 |
|---------------------------------------|--------|

2918

| | |
|------------|-------|
| Divided by | _____ |
|------------|-------|

2919

2920

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

2921

2922

Equals company access lines as a percentage

2923

of total access lines. 1%

2924

2925

Therefore, company X is a Class B company.

2926

2927

(b) As long as a company can show it serves less than two percent of the total access lines listed in (a) of this subsection, it may compare future years to the year listed in the example above, as a safe harbor option.

2928

2929

2930

(c) If a company has more than two percent of the total access lines listed in (a) of this subsection, but believes that it has less than two percent of a subsequent year to that listed in the example above, it may use the more recent "total state access lines" as of that subsequent year in order to calculate a different threshold, as long as it provides all relevant information in a letter of certification to the commission concurrent with its election. For purposes of this

2931

2932

2933

2934

2935

2936 rule the raw data may be requested from the commission's record center in order
2937 for the company seeking the data to generate its own calculation subsequent,
2938 and pursuant, to this rule.

2939 (2)(a) For accounting purposes, companies not ~~competitively~~ classified as
2940 competitive must use the *Uniform System of Accounts (USOA) for Class A and*
2941 *Class B Telephone Companies* published by the Federal Communications
2942 Commission (FCC) and designated as Title 47, Code of Federal Regulations,
2943 Part 32, (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC
2944 480-120-999. Companies not ~~competitively~~ classified as competitive wishing to
2945 adopt changes to the USOA made by the FCC ~~that have an annual revenue~~
2946 ~~effect of more than one percent~~, after the date specified in WAC 480-120-999,
2947 must petition for and receive commission approval. The petition must include the
2948 effect of each change for each account and subaccount on an annual basis for
2949 the most recent calendar year ending December 31. If the petition is complete
2950 and accurate the commission may choose to grant such approval through its
2951 consent agenda.

2952 (b) Class B companies may use Class A accounting, but Class A
2953 companies shall not be permitted to use Class B accounting.

2954 (3) The commission modifies Part 32 as follows:

2955 (a) Any reference in Part 32 to "Commission," "Federal Communications
2956 Commission," or "Common Carrier Bureau" means the Washington Utilities and
2957 Transportation Commission.

2958 (b) Companies not ~~competitively~~ classified as competitive must keep
2959 subsidiary records to reflect Washington intrastate differences when the
2960 commission imposes accounting or ratemaking treatment different from the
2961 accounting methods required in ~~WAC 480-80-034 subsection~~ (2) of this section.
2962 Companies not ~~competitively~~ classified as competitive must maintain subsidiary
2963 accounting records for:

- 2964 (i) Residential basic service revenues;
- 2965 (ii) Business basic service revenues;
- 2966 (iii) Access revenues for each universal service rate element;
- 2967 (iv) Special access revenues; and
- 2968 (v) Switched access revenues.

2969 (c) Part 32 section 24, compensated absences, is supplemented as
2970 follows:

2971 (i) Companies not ~~competitively~~ classified as competitive must
2972 record a liability and charge the appropriate expense accounts for sick leave in
2973 the year in which the sick leave is used by employees.

2974 (ii) Companies not ~~competitively~~ classified as competitive must
2975 keep records for:

- 2976 (A) Compensated absences that are actually paid; and
- 2977 (B) Compensated absences that are deductible for federal
2978 income tax purposes.

2979 (d) Companies not ~~competitively~~ classified as competitive that have
2980 multistate operations must keep accounting records that provide Washington
2981 results of operations. The methods used to determine Washington results of

2982 operations must be acceptable to the commission.
2983 (e) Part 32 section 32.11(a) is replaced by subsection (1) of this section.
2984 (f) Part 32 section 32.11(d) and (e) are replaced by subsection (1) of this
2985 section.
2986 (g) The commission does not require Part 32 section 32.2000(b)(4).
2987 This rule does not supersede any accounting requirements specified in a
2988 commission order, nor will it be construed to limit the commission's ability to
2989 request additional information on a company specific basis. This rule does not
2990 dictate intrastate ratemaking.
2991 (h) Any reference in Part 32 to "Class A" or "Class B" means the
2992 classification as set out in subsection (1) of this section.

2993
2994

2995 (No change to 480-120-033)

2996 **480-120-303 Reporting requirements for competitively classified**
2997 **companies.**

2998
2999

3000 **New Section 480-120-X02**

3001 **480-120-304 Reporting requirements for companies not competitively**
3002 **classified as competitive.**

3003 (1) Annual reports for companies not ~~competitively~~ classified as competitive. The
3004 commission will distribute an annual report form as specified in ~~subsection~~ (c)(i),
3005 (ii), and (iii) of this subsection, and a regulatory fee form. A company not
3006 ~~competitively~~ classified as competitive must:

3007 (a) Complete both forms, file them with the commission, and pay its
3008 regulatory fee, no later than May 1 of each year;

3009 (b) Provide total number of access lines as required on the annual report
3010 form; and

3011 (c) Provide income statement and balance sheet for total company and
3012 results of operations for Washington and Washington intrastate.

3013 (i) Class A companies that the FCC classified as Tier 1
3014 telecommunications companies in Docket No. 86-182 must file annual report
3015 forms adopted by the FCC.

3016 (ii) All other Class A companies must file annual reports on the form
3017 prescribed by the commission.

3018 (iii) Class B companies must file annual reports as prescribed by
3019 RCW 80.04.530(2).

3020 (2) Quarterly reports for companies not ~~competitively~~ classified as
3021 competitive:

3022 (a) All Class A companies must file results of operations quarterly.

3023 (b) Each report will show monthly and twelve-months-ended data for each
3024 month of the quarter reported.

3025 (c) The reports are due ninety days after the close of the period being
3026 reported, except for the fourth-quarter report which is due no later than May 1 of
3027 the following year.

3028 (3) Methods used to determine Washington intrastate results of operations
3029 must be acceptable to the commission.

3030 (4) This rule does not supersede any reporting requirements specified in a
3031 commission rule or order, or limit the commission's authority to request additional
3032 information.

3033
3034

3035 **Amend 480-120-544**
3036 **480-120-305 Streamlined filing requirements for Class B**
3037 **telecommunications company rate increases.**

3038 (1) A Class B company, as defined in WAC 480-120-031302(1), may use the
3039 streamlined treatment described in this section for seeking a general rate
3040 increase, as an alternative to the requirements in WAC 480-09-330.

3041 (2) **General information required.** A Class B company seeking
3042 streamlined treatment for a proposed general rate increase must submit the
3043 following information at the time of filing or prior to its first notice to customers,
3044 whichever occurs first:

3045 (a) A copy of its customer notice as specified in subsection (6) of this
3046 section.

3047 (b) A results-of-operations statement, on a commission basis,
3048 demonstrating that the company is not presently exceeding a reasonable level of
3049 earnings. If the company is exceeding a reasonable level of earnings, the
3050 proposed increase must be reduced accordingly.

3051 (c) All supporting documentation used to develop the results-of-operations
3052 statement, including supporting documentation for all adjustments.

3053 (d) The results-of-operations statement filed under this subsection must
3054 include Washington intrastate results of operations. If a company cannot provide
3055 Washington intrastate results of operations with reasonable accuracy, the
3056 commission may consider the total Washington results of operations including
3057 the interstate jurisdiction.

3058 (3) **Adjustments provided for in the results of operations.**

3059 (a) The results-of-operations statement must provide restating actual
3060 adjustments and proforma adjustments in accordance with (b) of this subsection.

3061 (b) Before the achieved return is calculated a company must adjust the
3062 booked results of operations for restating actual and proforma adjustments,
3063 including the following:

- 3064 (i) Nonoperating items;
- 3065 (ii) Extraordinary items;
- 3066 (iii) Nonregulated operating items; and
- 3067 (iv) All other items that materially distort the test period.

3068 (4) **Rate of return.** The authorized overall rate-of-return (for purposes of
3069 this section only) is eleven and twenty-five one-hundredths percent.

3070 (5) **Rate design.** A Class B company filing pursuant to this section must
3071 clearly describe the basis for allocating any revenue requirement change
3072 proposed by customer class (e.g., residential, business, and interexchange).

- 3073 (6) **Customer notice.** The company must notify customers consistent
3074 with the manner outlined in WAC 480-120-194, and must include the following
3075 information:
- 3076 (a) The proposed increase expressed in (a) total dollars and average
3077 percentage terms, and (b) the average monthly increases the customers in each
3078 category or subcategory of service might reasonably expect;
 - 3079 (b) The name and mailing address of the commission and public counsel;
 - 3080 (c) A statement that customers may contact the commission or public
3081 counsel with respect to the proposed rate change; and
 - 3082 (d) The date, time, and place of the public meeting, if known.
- 3083 (7) **Public meeting(s).** The commission will ordinarily hold at least one
3084 public meeting in the area affected by the rate increase within forty-five days after
3085 the date of filing.
- 3086 (8) **Final action.** The commission will ordinarily take final action on a filing
3087 under this section within ninety days after the date of filing.
- 3088 (9) The commission may decline to apply the procedures outlined in this
3089 section if it has reason to believe that:
- 3090 (a) The quality of the company's service is not consistent with its public
3091 service obligations; or
 - 3092 (b) A more extensive review is required of the company's results of
3093 operations or proposed rate design.
- 3094 (10) Nothing in this rule will be construed to prevent any company, the
3095 commission, any customer, or any other party from using any other procedures
3096 that are otherwise permitted by law.

3097
3098

3099 **Amend 480-120-541**

3100 **480-120-311 Access charge and universal service reporting.**

3101 **(1) Intrastate mechanism reporting.**

3102 (a) Until legislation creating a new universal service fund is adopted and
3103 effective and commission rules to implement the legislation are adopted and
3104 effective, each Class A telecommunications company in the state of Washington
3105 and the Washington Exchange Carrier Association, must provide annually:

3106 (i) The actual demand units for the previous calendar year for each
3107 switched access tariff rate element (or category of switched access tariff rate
3108 elements, both originating and terminating) it has on file with the commission.

3109 (ii) Primary toll carriers (PTCs) must file, in addition to (a) of this
3110 subsection, the annual imputed demand units for the previous calendar year that
3111 the company would have had to purchase from itself if it had been an unaffiliated
3112 toll carrier using feature group D switched access service (including intraLATA
3113 and interLATA, both originating and terminating demand units). For purposes of
3114 this subsection, a PTC means a local exchange company offering interexchange
3115 service(s) to retail customers using feature group C switched access service for
3116 the origination and termination of any such service(s).

3117 (b) The report containing the information required in (a) of this subsection
3118 must be filed by July 1 of each year.

3119 (c) Each company providing information required by this section must
3120 include complete workpapers and sufficient data for the commission to review the
3121 accuracy of the report.

3122 (2) **Annual state certification requirements for interstate (federal)**
3123 **mechanism.** Each eligible telecommunications carrier (ETC) in Washington
3124 receiving federal high-cost universal service support funds must provide the
3125 following to the commission not later than August 31 of each year:

3126 (a) A certification that, during the calendar year preceding the year in
3127 which certification is made, the ETC provided the supported services required by
3128 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

3129 (b) A certification that, during the calendar year preceding the year in
3130 which certification is made, the ETC advertised the availability of supported
3131 services and the charges for them as required by 47 U.S.C. § 214(e) and as
3132 described in the commission order granting it ETC status;

3133 (c) A certification that funds received by it from the federal high-cost
3134 universal service support fund will be used only for the provision, maintenance,
3135 and upgrading of the facilities and services for which the support is intended;

3136 (d) The amount of all federal high-cost universal service fund support
3137 received for the calendar year preceding the year in which the filing must be
3138 made (this includes, but is not limited to, High Cost Loop Support or "HCL", Local
3139 Switching Support or "LSS", Long Term Support or "LTS", Interstate Access
3140 Support or "IAS", and Interstate Common Line Support or "ICLS");

3141 (e) The ~~quarterly~~ loop counts on which federal high-cost universal service
3142 support was based for support received during the calendar year preceding the
3143 year in which the filing must be made.

3144 (f) The certifications required in (a) through (e) of this subsection must be
3145 made in the same manner as required by RCW 9A.72.085.

3146
3147

3148 **New Section 480-120-X01**

3149 **480-120-312 Universal service cost recovery authorization.**

3150 (1) Authorization. ~~The commission may authorize~~ Local exchange companies
3151 (LECs) may seek authorization to establish explicit rate additives or elements to
3152 recover costs for support of universal service in high-cost locations. In
3153 determining high-cost locations and the amount that may be recovered, the
3154 commission will consider the cost of providing service in rural areas and urban
3155 areas. The commission will also consider the comparability of rates between
3156 urban and rural areas. The commission may also consider per-customer
3157 revenue, and such other factors as it considers necessary to arrive at sufficient
3158 support.

3159 (2) Portability. When determining the amount a competitively classified
3160 company may recover for support of universal service, the commission may use
3161 an incumbent LEC's cost of providing service in a high cost location as a proxy
3162 for the cost of the competitively classified company.

3163
3164

3165 **Amend 480-120-540**

3166 **480-120-313 Terminating access charges.**

3167 (1) For purposes of this section:

3168 "Terminating access service" includes transport only to the extent that the
3169 transport service is bundled (priced together) with end office or tandem switching
3170 service. Dedicated transport unbundled (priced separately) from switching
3171 services is not subject to subsection (2) of this section.

3172 "Bill and keep" (also known as "mutual traffic exchange" or "payment in
3173 kind") is a compensation mechanism where traffic is exchanged between
3174 companies on a reciprocal basis. Each company terminates the traffic originating
3175 from other companies in exchange for the right to terminate its traffic on that
3176 company's network.

3177 (2) Except for any universal service rate allowed pursuant to subsection
3178 (3) of this section, the rates charged by a local exchange company (LEC) for
3179 terminating access service must not exceed the lowest rate charged by the LEC
3180 for the comparable local interconnection service (in each exchange), such as end
3181 office switching or tandem switching. If a LEC does not provide local
3182 interconnection service (or does so under a bill and keep arrangement), the rates
3183 charged for terminating access service must not exceed the cost of the
3184 terminating access service being provided.

3185 (3) The cost of the terminating access service must be determined based
3186 on the total service long-run incremental cost of terminating access service plus
3187 a reasonable contribution to common or overhead costs. Local loop costs are
3188 considered "shared" or "joint" costs and must not be included in the cost of
3189 terminating access service. However, nothing in this rule prohibits recovery of
3190 local loop costs through originating access charges (including switched, special,
3191 and dedicated ~~as defined in subsection (1) of this section~~).

3192 (4) If a LEC is authorized by the commission to recover any costs for
3193 support of universal access to basic telecommunications service through access
3194 charges, it must recover such costs as an additional, explicit universal service
3195 rate element applied to terminating access service.

3196 (5) The requirement of subsection (2) of this section that any terminating
3197 rate be based on cost does not apply to any LEC that is a small business, or to
3198 any LEC that is competitively classified, if it concurs in the terminating rate of any
3199 LEC that has filed a terminating rate that complies with the requirements of
3200 subsection (2) of this section. For the purposes of this subsection, "small
3201 business" has the same meaning as it does in RCW 19.85.020.

3202 (6) Any LEC that is required to lower its terminating access service rates
3203 to comply with this section may file tariffs or price lists (as appropriate) to
3204 increase or restructure its originating access service charges. The commission
3205 will approve the revision as long as it is consistent with this section, in the public
3206 interest and the net effect is not an increase in revenues.

3207 ~~(7) Prior commission authorization is not required for competitively~~
3208 ~~classified LECs to charge up to, but no more than, the sum of the incumbent~~
3209 ~~LEC's subsections (2) and (4) rate elements in each respective exchange.~~

3210

3211
3212 (No change to 480-120-032)
3213 **480-120-321 Expenditures for political or legislative activities.**
3214
3215
3216 **Amend title of 480-120-136**
3217 **480-120-322 ~~Retention~~ Retaining and preservation of preserving records**
3218 **and reports.**
3219
3220
3221 **Amend 480-120-542**
3222 **480-120-323 Washington Exchange Carrier Association (WECA).**
3223 (1) The Washington Exchange Carrier Association (WECA) may:
3224 (a) File petitions with the commission;
3225 (b) Publish and file tariffs with the commission; and
3226 (c) Represent before the commission those members that so authorize.
3227 WECA's rules of procedure are on file with the commission under Docket No. UT-
3228 920373, and may be obtained by contacting the commission's records center.
3229 (2) Subject to all the procedural requirements and protections associated
3230 with company filings before the commission, WECA must submit to the
3231 commission:
3232 (a) All initial WECA tariffs; and
3233 (b) All changes to the tariffs.
3234 (3) A member of WECA may file directly with the commission:
3235 (a) Tariffs;
3236 (b) Revenue requirement computations;
3237 (c) Revenue objectives;
3238 (d) Universal service support cost calculations;
3239 (e) Total service long run incremental cost studies;
3240 (f) Competitive classification petition;
3241 (g) Other reports; or
3242 (h) Any other item it or the commission deems necessary.
3243 (4) The commission has the authority to supervise the activities of WECA.
3244 However, such supervision will not compromise the independent evaluation by
3245 the commission of any filing or proposal that must be submitted to the
3246 commission for approval.
3247 (5) To the extent that WECA is involved in the collection and redistribution
3248 of funds under commission orders authorizing certain revenue sharing
3249 arrangements under common tariff, it must maintain, provide, and report to the
3250 commission annual financial reports, by July 1 of each year, relating to the
3251 arrangements. Annual financial reports must include:
3252 (a) Actual fund collections and distributions to each member company;
3253 (b) The basis upon which the collection and distribution is made;
3254 (c) Board membership;
3255 (d) Special committee membership; and
3256 (e) The status and description of any open WECA docket proceedings.

3257 (6) Each local exchange company in the state of Washington has the
3258 option of using WECA as its filing agent, tariff bureau, or both. Companies using
3259 WECA collectively may file intrastate rates, tariffs, or service proposals.

3260 (7) Nothing in this section will be construed as amending or modifying
3261 WECA's current methods of administration. WECA's access charge pooling
3262 administration plan is on file with the commission and may be obtained by
3263 contacting the commission's records center and requesting the "Ninth
3264 Supplemental Order in Docket UT-971140 with Attachment" dated June 28,
3265 2000.

3266
3267

3268 **PART IX. SAFETY AND STANDARDS RULES**

3269

3270 **Amend 480-120-515**

3271 **480-120-401 Network performance standards.**

3272 (1) All companies must meet the applicable network performance standards set
3273 forth in this section. The standards applied to each service quality measurement
3274 are the minimum acceptable quality of service under normal operating conditions.
3275 All performance standards apply to each central office individually and must be
3276 measured at or below that level. The performance standards do not apply to
3277 abnormal conditions, including, but not limited to work stoppage directly affecting
3278 provision of service in the state of Washington, holidays, force majeure, or major
3279 outages caused by persons or entities other than the local exchange company
3280 (LEC) or its agents.

3281 (2) **Switches.** End-office switches, in conjunction with remote switches
3282 where deployed, must meet the following standards:

3283 (a) **Dial service.** For each switch, companies must ~~provide adequate~~
3284 ~~equipment to meet the following minimum standards during the switch's normal~~
3285 average busy-hour of the busy season:

3286 (i) Dial tone must be provided within three seconds on at least
3287 ninety-eight percent of calls placed; and

3288 (ii) Ninety-eight percent of calls placed must not encounter an intra-
3289 switch blocking condition within the central office, or blocking in host-remote, or
3290 interoffice local trunks.

3291 (b) **Intercept.** Central office dial equipment must provide adequate
3292 access to an operator or to a recorded announcement intercept to all vacant
3293 codes and numbers. Less than one percent of intercepted calls may encounter
3294 busy or no-circuit-available conditions during the average busy-hour, of the busy-
3295 season. ~~service levels.~~

3296 (3) **Interoffice facilities.** Blocking performance during average busy-hour
3297 for ninety-nine percent of trunk groups for any month must be less than one-half
3298 of one percent for intertoll and intertandem facilities and less than one percent for
3299 local and EAS interoffice trunk facilities. The blocking standard for E911
3300 dedicated interoffice trunk facilities must be less than one percent during average
3301 busy-hour ~~for any week~~ of the busy season. Two consecutive months is the
3302 maximum that a single trunk group may be below the applicable standard.

3303 (4) **Outside plant.**

3304 (a) **Local loops.** Each LEC must design, construct, and maintain

3305 subscriber loops to the standard network interface or demarcation point as

3306 follows:

3307 (i) For voice grade, local exchange service loops must meet all

3308 performance characteristics specified in Section 4 of the Institute of Electrical and

3309 Electronic Engineers (IEEE) Standard Telephone Loop Performance

3310 Characteristics. Information about this standard regarding the version adopted

3311 and where to obtain it is set forth in WAC 480-120-999.

3312 (ii) For voice grade service, the circuit noise level on customer

3313 loops measured at the customer network interface must be equal to or less than

3314 20.0 dBrnC, except that digitized loops and loops in excess of 18,000 feet must

3315 have a noise levels objective of less than 25.0 dBrnC, and ~~digitized loops using~~

3316 ~~customer loop carrier systems must have noise levels less than~~ must not exceed

3317 30 dBrnC.

3318 (b) **Special circuits.** Off-premise station circuit loss must not exceed 5.0

3319 dB at 1004 Hz when measured between the customer switch demarcation and

3320 the customer station demarcation. LECs with over fifty thousand access lines

3321 must maintain design criteria for special circuits. Companies must make channel

3322 performance criteria available to customers upon request.

3323 (c) **Digital services.** LECs must meet the availability objectives for digital

3324 private line circuit performance specified in the American National Standards for

3325 Telecommunications, "Network Performance Parameters for Dedicated Digital

3326 Services - Specifications." Information about this standard regarding the version

3327 adopted and where to obtain it is set forth in WAC 480-120-999. Upon request of

3328 a customer, a LEC may provide to that customer digital services that do not meet

3329 the performance standards set forth in subsection (4)(b) of this section.

3330 (5) **Service to interexchange carriers.** LECs must provide service to

3331 interexchange carriers at the grade of service ordered by the interexchange

3332 carrier. At a minimum, each interexchange carrier must order sufficient facilities

3333 from each LEC such that no more than two percent of all calls are blocked at the

3334 LEC's switch.

3335 (6) Companies must ~~measure~~ monitor the network performance activity on

3336 of the equipment they own, operate, or share at ~~sufficient~~ frequent intervals so

3337 that adequate facilities can be designed, engineered and ~~are in~~ placed in service

3338 when needed to meet the standards of this section ~~accommodate growth in~~

3339 traffic.

3340 (7) Each Class A LEC must arrange and design incoming trunks to the

3341 primary repair service center so that traffic overflows during service interruptions

3342 can be redirected or forwarded to an alternate repair or maintenance service

3343 center location.

3344

3345

3346 **Amend 480-120-126**

3347 **480-120-402 Safety.**

3348 The plant and all facilities of utilities shall be constructed and installed in

3349 conformity with good engineering practice and comply with the minimum
3350 standards as set out in the current National Electric Safety Code in effect on
3351 January 1, 1991. All instrumentalities and equipment shall be installed and
3352 maintained with due consideration to the safety of the subscribers, employees
3353 and general public. Hazardous conditions endangering persons, property, or the
3354 continuity of service when found, reported or known to exist, shall be
3355 expeditiously corrected.

3356 ~~Extreme vigilance shall be exercised to prevent the accumulation of trash~~
3357 ~~and other fire hazards in or upon central office premises.~~

3358 ~~The storage of flammable and/or combustible materials in central office~~
3359 ~~equipment spaces is prohibited.~~

3360
3361

3362 **Amend 480-120-525**

3363 **480-120-411 Network maintenance.**

3364 (1) Each local exchange company (LEC) must:

3365 (a) Provide adequate maintenance to ensure that all facilities are in safe
3366 and serviceable condition;

3367 (b) Correct immediately hazardous conditions endangering persons,
3368 property, or the continuity of service when found, reported, or known to exist;

3369 (c) Promptly repair or replace broken, damaged, or deteriorated
3370 equipment, when found to be no longer capable of providing adequate service;
3371 and

3372 (d) Correct promptly transmission problems on any channel when located
3373 or identified, including noise induction, cross-talk, or other poor transmission
3374 characteristics.

3375 (2) Each LEC must install and maintain test apparatus at appropriate
3376 locations to determine the operating characteristics of network systems and
3377 provide sufficient portable power systems to support up to the largest remote
3378 subscriber carrier site. For the safe and continuous operation of underground
3379 cables, each LEC must establish air pressurization policies and an air
3380 pressurization alarm-monitoring program where appropriate.

3381 (3) Central offices equipped with automatic start generators must have
3382 three hours' reserve battery capacity. Central offices without automatic start
3383 generators must have a minimum of five hours' reserve battery capacity. Central
3384 offices without permanently installed emergency power facilities must have
3385 access to readily connectable mobile power units with enough power capacity to
3386 carry the load and that can be delivered within one half of the expected battery
3387 reserve time.

3388
3389

3390 **Amend 480-120-520**

3391 **480-120-412 Major outages.**

3392 (1) All companies must make reasonable provisions to minimize the effects of
3393 major outages, including those caused by force majeure, and inform and train
3394 pertinent employees to prevent or minimize interruption or impairment of service.

3395 (2) **Notice to commission and public safety answering point (PSAP).**
3396 When a company receives notice of or detects a major outage, it must notify the
3397 commission and any PSAP serving the affected area as soon as possible.

3398 (3) **Notice to county and state emergency agencies and coordination**
3399 **of efforts.** When a major outage affects any ~~governmental~~ emergency response
3400 facility, a company must notify immediately the county E911 coordinator and the
3401 state emergency management ~~division~~ authorities, and provide periodic updates
3402 on the status of the outage. The company must coordinate service restoration
3403 with the state emergency management ~~division~~ authorities ~~if requested to do so~~
3404 ~~and it requests it, and,~~ if requested to do so by the commission, report daily to
3405 ~~the commission~~ it the progress of restoration efforts until the company achieves
3406 full network recovery.

3407 (4) **Major outages repair priorities.**

3408 (a) Outages affecting PSAPs, ~~law enforcement facilities, fire department~~
3409 ~~facilities, and hospitals~~ emergency response agencies must receive attention first
3410 and be repaired as soon as possible.

3411 (b) Companies must restore other services within twelve hours unless
3412 conditions beyond a company's control prevent service restoration within twelve
3413 hours.

3414 (c) Companies must restore outages to their facilities affecting
3415 intercompany trunk and toll trunk service within four hours after the problem is
3416 reported unless conditions beyond a company's control prevent service
3417 restoration within four hours. If the problem is not corrected within four hours, the
3418 company must keep all other affected companies advised of the status of
3419 restoration efforts on a twice-daily basis.

3420 (5) **Information to public.** Unless heightened security concerns exist,
3421 ~~During~~ major outage recovery efforts, ~~all~~ companies must implement
3422 procedures to disseminate information to the public, public officials, and news
3423 media. All companies must provide a statement about the major outage that
3424 includes the time, the cause, the general location and approximate number of
3425 affected access lines, and the anticipated duration.

3426 (6) **Notice of intentional outage.** When a company intends to interrupt
3427 service to such an extent that it will cause a major outage, it must notify all
3428 customers who are will have their telephone service affected and the state
3429 emergency management division not less than seven days in advance if
3430 circumstances permit or as soon as it plans to interrupt service if circumstances
3431 do not permit seven days' advance notice. A notice is not required for planned
3432 service interruptions that have a duration of less than five minutes and occur
3433 between the hours of 12:00 a.m. and 5:00 a.m.

3434 (6) **Records.** All companies must keep a record of each major outage
3435 and a statement about the interruption that includes the time, the cause, the
3436 location and number of affected access lines, and the duration.

3437
3438
3439 (No change to 480-120-560)

3440 **480-120-413 Collocation.**

3441

3442

3443 (No change to 480-120-531)

3444 **480-120-414 Emergency operation.**

3445

3446

3447

New Section 480-120-X20

3448 **480-120-436 Responsibility for drop facilities and support structure.**

3449 (1) ~~“Drop facilities” means a telecommunications company-supplied wire and~~
3450 ~~pedestal placed between an applicant or customer’s premises and the company~~
3451 ~~distribution plant at the applicant or customer’s property line.~~

3452 ~~“Support structure” means a trench, pole, or conduit used to provide a~~
3453 ~~path for placement of drop facilities.~~

3454 ~~(2) **Initial provision of service to a premise with no existing drop**~~
3455 ~~**facilities.** Companies are responsible for designating the route of the drop~~
3456 ~~facility and the type of support structure.~~

3457 ~~(a) Provision of drop facilities. The company is responsible for all work~~
3458 ~~and materials associated with drop facilities ~~except as provided in subsection~~~~
3459 ~~(2)(b).~~

3460 ~~(b) Provision of support structure. The company may require the applicant~~
3461 ~~to provide a support structure that meets company standards. ~~Once the~~~~
3462 ~~customer provides a support structure that meets company standards, ownership~~
3463 ~~of the support structure and maintenance responsibilities vests in the company.~~
3464 ~~Once the company provides service, the company is responsible for~~
3465 ~~maintenance and repair of the existing drop facilities and support structure as~~
3466 ~~provided for in WAC 480-120-X05437.~~

3467 ~~(c) Nothing in this rule prohibits the company from offering the applicant~~
3468 ~~an alternative to pay the company a tariffed or price listed rate for provision of the~~
3469 ~~support structure.~~

3470 ~~(2) **Requests for initial service or additional service at a premise**~~
3471 ~~**where all existing pairs within a drop facility are not in use.** A company is~~
3472 ~~responsible for all work and materials associated with the drop facilities and if~~
3473 ~~applicable the support structure so long as the total number of lines requested by~~
3474 ~~the customer does not exceed the original capacity of the drop facility.~~

3475 ~~(a) Any work or materials associated with repair of abandoned or defective~~
3476 ~~pairs is considered maintenance and repair under WAC 480-120-X05437.~~

3477 ~~(3) **Requests for additional service to premises when all pairs within**~~
3478 ~~**existing drop facilities are in use where all existing pairs within a drop**~~
3479 ~~**facility are not in use or where the total number of lines requested by a**~~
3480 ~~**customer exceeds the original capacity of the existing drop facility.**~~

3481 ~~(a) The company is responsible for all costs, including the costs of work~~
3482 ~~and materials, associated with placement of additional drop facilities.~~

3483 ~~(b) The company is responsible for all costs, including the costs of work~~
3484 ~~and materials, associated with placement of a support structure ~~except when:~~~~

3485 ~~(i) There is no existing support structure for use by the company;~~

3486 (ii) ~~The existing support structure follows a route that no longer~~
3487 ~~follows a logical engineering path (e.g., land has been short platted);~~
3488 (iii) ~~The existing support structure is at capacity (e.g., additional~~
3489 ~~cable or wire cannot be placed); or~~
3490 (iv) ~~The existing support structure is damaged and unusable. The~~
3491 ~~company must allow the customer the option of repairing the damaged support~~
3492 ~~structure or placing a new structure that meets company standards.~~
3493 (b) The company may require the applicant to provide a support structure
3494 for placement of the new drop facility.
3495 (c) A company must use an existing support structure for placement of the
3496 new drop facility when:
3497 (i) The support structure it is large enough to support placement of
3498 the new facility; and
3499 (ii) It follows a path which remains suitable to the company; and
3500 (iii) The customer makes the support structure accessible to the
3501 company (e.g. uncovers the entry to the conduit and removes any items that
3502 would impede the use of the conduit, such as tree roots).
3503
3504

3505 **New Section 480-120-X05**

3506 **480-120-437 Responsibility for maintenance and repair of facilities and**
3507 **support structures.**

3508 (1)(a) Companies are responsible for all work, materials, and costs associated
3509 with reinforcing existing distribution plant, and repairing and maintaining existing
3510 distribution and drop facilities and support structures up to and including the
3511 Standard Network Interface (SNI).

3512 (b) The customer is responsible for maintaining facilities on the customer's
3513 side of the SNI.

3514 (2) A company, in its sole discretion, may determine to replace or reinforce
3515 any existing facilities or support structures for which it is responsible for
3516 maintenance or repair. If the company decides to replace existing facilities or
3517 support structures, all the work and materials associated with the installation of
3518 facilities and support structures is considered repair and maintenance, and not
3519 new construction.

3520 (3) With respect to cost, subsection (1)(a) of this section does not apply
3521 when damage has been caused by a customer or third party, in which case, the
3522 company may charge that individual the cost of repair, maintenance, or
3523 replacement of company facilities and, if applicable, support structure. Nothing in
3524 this subsection is intended to limit the company's ability to recover damages as
3525 otherwise permitted by law.
3526

3527
3528 **New Section 480-120-X14**

3529 **480-120-438 Trouble report standard.**

3530 Trouble reports by central office must not exceed four trouble reports per one
3531 hundred access lines per month for two consecutive months, or per month for

3532 four months in any one twelve-month period. This standard does not apply to
3533 trouble reports related to customer premise equipment, inside wiring, force
3534 majeure, or major outages of service caused by persons or entities other than the
3535 local exchange company.

3536
3537

Amend 480-120-535

3538 **480-120-439 Service quality performance reports.**

3540 ~~(1) Local exchange companies with two percent or more of the access lines in~~
3541 ~~the state of Washington~~ Class A companies must report monthly the information
3542 required in subsections (3), (4), and (6) through (10) of this section. Companies
3543 must report within thirty days after the end of the month in which the activity
3544 reported on takes place (e.g., a report concerning missed appointments in
3545 December must be reported by January 30).

3546 ~~(2) Companies that are exempted from financial reporting requirements by~~
3547 ~~RCW 80.04.530~~ Class B companies need not report to the commission as
3548 required by subsection (1) of this section. However, these companies must
3549 retain, for at least three years from the date they are created, all records that
3550 would be relevant, in the event of a complaint or investigation, to a determination
3551 of the company's compliance with the service quality standards established by
3552 WAC 480-120-~~XXX~~107, 480-120-~~X08~~108, 480-120-~~XXY~~112, 480-120-~~510~~132,
3553 480-120-~~515~~401, 480-120-~~525~~411, and 480-120-~~X16~~440.

3554 (3) **Missed appointment report.** The report must include the number of
3555 appointments missed for which missed appointment credits were required by
3556 WAC 480-120-~~X08~~108.

3557 (4) **Held orders for installation or activation of basic service report.**
3558 The report must state the total number of orders taken, by central office, in each
3559 month for all orders of up to the initial five access lines as required by WAC 480-
3560 120-~~XXX~~107. The report must include orders with due dates later than five days
3561 as requested by a customer. The held order report must state, by central office,
3562 of the total orders taken for the month, the number of orders that the company
3563 was unable to complete within five business days after the order date or by a
3564 later date as requested by the customer.

3565 (a) A separate report must be filed each calendar quarter that states the
3566 total number of orders taken, by central office, in that quarter for all orders of up
3567 to the initial five access lines as required by WAC 480-120-~~XXX~~107. The held
3568 order ninety-day report must state, of the total orders taken for the quarter, the
3569 number of orders that the company was unable to complete within ninety days
3570 after the order date.

3571 (b) A separate report must be filed each six months that states the total
3572 number of orders taken, by central office, in the last six months for all orders of
3573 up to the initial five access lines as required by WAC 480-120-~~XXX~~107. The held
3574 order one hundred and eighty day report must state, of the total orders taken for
3575 six months, the number of orders that the company was unable to complete
3576 within one hundred and eighty days.

3577 Orders for which customer-provided special equipment is necessary;

3578 when a later installation or activation is permitted under WAC 480-120-071145;
3579 or when the commission has granted an exemption under WAC 480-120-015
3580 from the requirement for installation or activation of a particular order may be
3581 excluded from the total number of orders taken and from the total number of
3582 uncompleted orders for the month.

3583 (5) **Major outages report.** Notwithstanding subsections (1) and (2) of
3584 this section, any company experiencing a major outage that lasts more than
3585 forty-eight hours must provide a major outage report to the commission within ten
3586 business days of the major outage. The major outages report must include a
3587 description of each major outage and a statement that includes the time, the
3588 cause, the location and number of affected access lines, and the duration of the
3589 interruption or impairment. When applicable, the report must include a
3590 description of preventive actions to be taken to avoid future outages. This
3591 reporting requirement does not include company-initiated major outages that are
3592 in accordance with the contract provisions between the company and its
3593 customers or other planned interruptions that are part of the normal operational
3594 and maintenance requirements of the company.

3595 The commission staff may request oral reports from companies
3596 concerning major outages at any time and companies must provide the
3597 requested information.

3598 (6) **Summary trouble reports.** Each month companies must submit a
3599 report reflecting ~~Any company experiencing trouble reports in excess of the~~
3600 ~~standard established in WAC 480-120-X14438. The report~~ , must include report
3601 ~~summaries of trouble reports that include the number of reports by central office~~
3602 and the number of lines served by the central office. ~~exchange of impairment or~~
3603 ~~loss of service, and .In addition, the report must include an explanation of causes~~
3604 ~~for each central office that exceeds the service quality standard established in~~
3605 ~~WAC 480-120-X14438. The reports, including repeated reports, must be~~
3606 ~~presented as a ratio per one hundred lines in service. The reports caused by~~
3607 ~~customer-provided equipment or inside wiring should not be included in this~~
3608 ~~report.~~

3609 (7) **Switching report.** Any company experiencing switching problems in
3610 excess of the standard established in WAC 480-120-515401(2)(a), must report
3611 the problems to the commission. The report must identify the location of every
3612 switch that is performing below the standard.

3613 (8) **Interoffice, intercompany and interexchange trunk blocking**
3614 **report.** Companies that experience trunk blocking in excess of the standard in
3615 WAC 480-120-515401(3) must report each trunk group that does not meet the
3616 performance standards. For each trunk group not meeting the performance
3617 standards, the report must include the peak percent blocking level experienced
3618 during the preceding month, the number of trunks in the trunk group, and the
3619 busy hour when peak blockage occurs. The report must include an explanation
3620 of steps being taken to relieve blockage on any trunk groups that do not meet the
3621 standard for two consecutive months.

3622 (9) **Repair report.** (a) For service-interruptions repairs subject to the
3623 requirements of WAC 480-120-X16440, companies must report the number of

3624 service interruptions reported each month, the number repaired within ~~twenty-~~
3625 ~~four~~ forty-eight hours, and the number repaired more than forty-eight hours after
3626 the initial report. In addition, a company must indicate the number of
3627 construction orders requiring permits as provided for in 480-120-X16440.

3628 (b) For service-impairment repairs subject to the requirements of WAC
3629 480-120-X16440, companies must report the number of service impairments
3630 reported each month, the number repaired within seventy-two hours, and the
3631 number repaired more than seventy-two hours after the initial report. In addition,
3632 a company must state the number of construction orders requiring permits as
3633 provided for in WAC 480-120-X16440.

3634 (10) **Business office and repair answering system reports.** When
3635 requested, companies must report compliance with the standard required in
3636 WAC 480-120-X12133. If requested, companies must provide the same reports
3637 to the commission that company managers receive concerning average speed of
3638 answer, transfers to live representatives, station busies, and unanswered calls.

3639 (11) The commission may choose to investigate matters to protect the
3640 public interest, and may request further information from companies that details
3641 geographic area and type of service, and such other information as the
3642 commission requests.

3643
3644

3645 **New Section 480-120-X16**
3646 **480-120-440 Repair standards for sService interruptions and impairments,**
3647 **excluding major outages.**

3648 (1) ~~For service interruptions that are not part of a major outage, a~~ A company
3649 ~~must repair ninety percent of service interruptions or impairments within twenty-~~
3650 ~~four hours from the time a customer initially reports the problem to the company~~
3651 ~~and one hundred percent within forty-eight hours from the time of the initial report~~
3652 all out-of-service interruptions except those which are part of a major outage
3653 (WAC 480-120-520412) and those caused by force majeure within forty-eight-
3654 hours from the time a customer initially reports the problem to the company.

3655 ~~For purposes of this section, companies may exclude Sundays and legal~~
3656 ~~holidays from the twenty-four hour and forty-eight-hour periods~~ an out-of-service
3657 interruption is defined as a condition that prevents the use of the telephone
3658 exchange line for purposes of originating or receiving a call and does not include
3659 trouble reported for non-regulated services such as voice messaging, inside
3660 wiring, or customer premises equipment.

3661 (2) A company must repair all other regulated service interruptions within
3662 seventy-two hours from the time a customer initially reports the problem to the
3663 company.

3664 (3) ~~When a company plans a service interruption, it must notify customers~~
3665 ~~that will be affected not less than seven days in advance or, if seven days' notice~~
3666 ~~is not possible, as soon as the interrupted service is planned.~~ The forty-eight-
3667 hour and seventy-two-hour standards do not apply during company work
3668 stoppages directly affecting provision of service in the state of Washington.

3669 (4) A company is considered to have met its obligations under this rule if it

3670 conducts tests during the prescribed period that indicates that the customer's
3671 service is operating within industry standards. The company must make all test
3672 information available to the commission upon request.

3673 (5) A company is considered to have met its obligations under this rule if it
3674 conducts tests during the prescribed period which demonstrate that the reported
3675 problem may only be cleared from within the customer's premises and the
3676 company is either unable to reach the customer to arrange access or is refused
3677 access by the customer. The company must make all test information and
3678 customer contact logs available to the commission upon request.

3679 (6) For the purposes of this section, companies may exclude Sundays and
3680 legal holidays from the twenty-four hour and forty-eight-hour periods. are not
3681 considered working days and are therefore excluded from the forty-eight-hour
3682 and seventy-two-hour periods.

3683 (7) (2) In instances when repair requires construction work, the twenty-four
3684 forty-eight-hour and forty-eight-seventy-two-hour periods begin when a company
3685 has received appropriate authorization from the met all legal requirements
3686 imposed by an applicable governing body associated with the repair (e.g., utility
3687 location services are completed and, if applicable, a permit is granted). For
3688 purposes of this section, oral approval of a permit request by the permitting
3689 authority is considered the same as written approval. Upon receiving an outage
3690 report that requires construction work, a company must immediately A company
3691 must contact the appropriate authorities to request applicable utility location
3692 services and permits. when the company determines that a repair situation
3693 requires construction work to correct. Upon receiving any repair report that
3694 requires construction work, a company must contact the appropriate authorities
3695 as soon as practicable to request utility location services and permits, if
3696 applicable.

3697 (8) When a company plans a service interruption, it must notify customers
3698 that it determines service will be affected not less than seven days in advance or,
3699 if seven days' notice is not possible, as soon as the interrupted service is
3700 planned. A notice is not required for planned service interruptions that have a
3701 duration of less than five minutes and occur between the hours of 12:00 a.m. and
3702 5:00 a.m.

3703

3704

3705 **Amend 480-120-340**

3706 **480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange**
3707 **companies.**

3708 "Private branch exchange (PBX)" means customer premises equipment installed
3709 on the subscriber's premises that functions as a switch, permitting the subscriber
3710 to receive incoming calls, to dial any other telephone on the premises, to access
3711 a tie trunk leading to another PBX or to access an outside trunk to the public
3712 switched telephone network.

3713 "Data base management system (DBMS)" means a data base used by local
3714 exchange companies (LECs) to provide automatic location information (ALI) to
3715 public safety answering points (PSAPs).

3716 “Emergency location identification number (ELIN)” means a telephone number
3717 that is used to route the call to PSAP and is used to retrieve the automatic
3718 location information (ALI) for the PSAP.
3719 “Emergency response location (ERL)” means a location to which a 911
3720 emergency response team may be dispatched.
3721 (1) Local exchange companies (LECs) must provide enhanced 9-1-1(E911)
3722 services including:
3723 (a) For single line service, the ability for customers to dial 911 with the call
3724 and caller’s ~~phone number~~ ELIN transmitted to the E911 selective router serving
3725 the location of the ~~point of presence~~ ERL for that line;
3726 (b) For multi-line customers, ~~the capability to identify the location of~~
3727 ~~individual telephone stations at PBXs or similar equipment served by E911~~
3728 ~~service, where the PBX or similar equipment generates and forwards appropriate~~
3729 ~~number identification information; the ability for customers to dial 911 with the call~~
3730 ~~and caller’s station phone number~~ ELIN transmitted to the E911 system selective
3731 router serving the location of the point of presence ERL for that line;
3732 (c) For pay phones ~~served by pay phone access lines (PALs) the~~
3733 ~~capability for the address to be displayed to the public safety answering point~~
3734 ~~(PSAP). The address must be that of the phone instrument if it is different from~~
3735 ~~the public access line demarcation point the ability for customers to dial 911 with~~
3736 ~~the call and caller’s phone number~~ ELIN transmitted to the E911 system selective
3737 router serving the location of the point of presence ERL for that line. The phone
3738 number must be that of the pay phone.
3739 (2) ~~LECs must supply to the database of the E911 system customer~~
3740 ~~information in a nationally accepted format with that data updated within twenty-~~
3741 ~~four hours of any customer information changes (a) LECs that provide or make~~
3742 ~~available E911 data base management, whether directly or through contract,~~
3743 ~~must provide to all PBX owners or their agents (including LECs) a simple,~~
3744 ~~internet-based method to maintain station location information customer records~~
3745 ~~in the E911 database, and the LEC may provide an option of a secure dial up~~
3746 ~~access method for the PBX owner or agent to maintain customer records in the~~
3747 ~~E911 data base. The method must use a generally accepted national format for~~
3748 ~~customer record information.~~
3749 (b) LECs that provide or make available E911 data base management,
3750 whether directly or through contract, must provide or make available to all other
3751 LECs a simple, internet-based method to maintain station location information
3752 customer records in the E911 data base for their non-PBX customers, and the
3753 LEC may provide an option of a secure dial up access or direct data link method
3754 for LECs to maintain customer records in the E911 data base . Methods for
3755 maintaining station location information that are not internet-based may be
3756 offered in addition to the required internet-based method.
3757 (c) LECs that provide pay phone access lines must maintain station
3758 location information customer record information, including ELIN and ERL
3759 information, for those access lines using a method required by subsection (b) of
3760 this subsection.
3761 (d) For single line services, PBX main station lines, and payphone lines,

3762 LECs must transmit updated location information records to the data base
3763 management system (DBMS) within 24 twenty-four hours of those records being
3764 posted to the company record system.

3765 Records that do not post to the DBMS because of address errors must be
3766 corrected within two working days unless modifications are necessary to the
3767 audit tables of the master street address guide, in which case the record must be
3768 resubmitted within twenty-four hours of notification that the master street address
3769 guide has been updated.

3770 (e) E911 data base errors and inquiries, including selective routing errors,
3771 reported by county E911 data base coordinators or PSAPs must be resolved by
3772 the LEC or its agent administering the data base within five working days of
3773 receipt.

3774 (3) LECs wishing to provide E911 services including selective routing,
3775 data base management and transmission of the call to a PSAP must file with the
3776 commission tariffs and supporting cost studies or price lists, whichever applies,
3777 ~~and supporting cost studies~~ that specify the charges and terms for E911
3778 services.

3779 (4)(a) PBX customers who choose to maintain their own E911 database,
3780 or contract that maintenance to a third party, must be permitted to do so if the
3781 customer maintains the data in the a generally accepted national format for
3782 customer record information.

3783 (b) PBX customers who choose to not use LEC data base management
3784 may transmit, or have a third-party transmit, customer record information to their
3785 LEC's national data service gateway at no additional charge.

3786
3787

3788 **New Section**

3789 **480-120-451 Local exchange carrier contact number for use by public** 3790 **safety answering points (PSAPs).**

3791 All local exchange carriers (LECs) must provide a telephone number, which may
3792 include a number for a paging device, that public safety answering points
3793 (PSAPs) may use to reach a company representative with questions related to
3794 the accuracy of station location records. LECs must accept calls to the provided
3795 number at all times. LECs that provide a number for the paging device must
3796 respond within three minutes of the page.

3797 All LECs must provide an E911 data base maintenance contact who is
3798 available during business day hours to the county E911 data base coordinators
3799 in those counties in which they provide service.

3800
3801

3802 **Amend 480-120-350**

3803 **480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety** 3804 **answering point (PSAP) of ALI/DMS data base--When permitted.**

3805 (1) A public safety answering point (PSAP) may make a reverse search of
3806 information in the automatic location identification (ALI/DMS) data base when, in
3807 the judgment of the PSAP representative, an immediate response to the location

3808 of the caller or to the location of another telephone number reported by the caller
3809 is necessary because of an apparent emergency.

3810 (2) Absent a judicial order, Reverse search must not be used for criminal
3811 or legal investigations or other non-emergency purposes.

3812
3813

3814 **PART X. ADOPTION BY REFERENCE**

3815

3816 **New Section**

3817 **480-120-999 Adoption by reference.**

3818 In this chapter, the commission adopts by reference all or portions of regulations
3819 and standards identified below. They are available for inspection at the
3820 commission branch of the Washington state library. The publications, effective
3821 dates, references within this chapter, and availability of the resources are as
3822 follows:

3823 (1) American National Standards for Telecommunications – “Network
3824 Performance Parameters for Dedicated Digital Services – Specifications” (ANSI
3825 T1.510-1999) is published by the American National Standards Institute (ANSI).

3826 (a) The commission adopts the version in effect on December 29, 1999.

3827 (b) This publication is referenced in WAC 480-120-515401.

3828 (c) The American National Standards for Telecommunications “Network
3829 Performance Parameters for Dedicated Digital Services – Specifications” is a
3830 copyrighted document. Copies are available from the publisher and third-party
3831 vendors.

3832 (2) The Institute of Electrical And Electronic Engineers (IEEE) Standard
3833 Telephone Loop Performance Characteristics (ANSI/IEEE Std 820-1984) is
3834 published by the ANSI and the IEEE.

3835 (a) The commission adopts the version in effect on March 22, 1984 and
3836 reaffirmed September 16, 1992.

3837 (b) This publication is referenced in WAC 480-120-515401.

3838 (c) The IEEE Standard Telephone Loop Performance Characteristics is a
3839 copyrighted document. Copies are available from the publishers.

3840 (3) The National Electrical Safety Code is published by the IEEE, ~~and the~~
3841 ~~National Fire Protection Agency (NFPA).~~

3842 (a) The commission adopts the version in effect in 1997.

3843 (b) This publication is referenced in WAC 480-120-126402.

3844 (c) The National Electrical Safety Code is a copyrighted document.

3845 Copies are available from the publishers and from third-party vendors.

3846 (4) Title 47 Code of Federal Regulations, cited as 47 CFR, is published by
3847 the United States Government Printing Office.

3848 (a) The commission adopts the version in effect on October 1, 1998.

3849 (b) This publication is referenced in WAC 480-120-031302 and 480-120-
3850 136322.

3851 (c) Copies of Title 47 Code of Federal Regulations are available from the
3852 Government Printing Office and from third-party vendors.

3853

- 3854 **REPEALED**
- 3855
- 3856 **480-120-121 Responsibility for delinquent accounts.**
- 3857 **480-120-131 Reports of accidents.**
- 3858 **480-120-151 Telecommunications carriers' use of customer proprietary**
- 3859 **network information (CPNI).**
- 3860 **480-120-152 Notice and approval required for use of customer proprietary**
- 3861 **network information (CPNI).**
- 3862 **480-120-153 Safeguards required for use of customer proprietary network**
- 3863 **information.(CPNI).**
- 3864 **480-120-154 Definitions.**