



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

103 E Holly Street #310 • Bellingham WA 98225 • Phone (360) 676-2037 • Fax (360) 676-2049

May 18, 2005

Ms. Carol Washburn  
WA Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Whatcom Community College v. Qwest Communications

Dear Ms. Washburn:

Enclosed for filing is an original and 19 copies of a Complaint in the above-referenced matter. Please call us with any questions.

Thank you.

Sincerely,

WENDY BOHLKE  
Senior Counsel

Enclosures

c: Rick Doughty w/enclosure  
Harold Heiner w/enclosure  
Ray White w/enclosure

RECEIVED  
MAY 19 11 09 20  
OFFICE OF THE ATTORNEY GENERAL



**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Complaint of:**  
Whatcom Community College,  
Complainant

v.

Qwest Communications,  
Respondent

No.

COMPLAINT

RECORDED  
MAY 19 7 11 9:20  
STENOGRAPHIC  
CORPORATION

The above-named Complainant, by and through its attorney, ROB MCKENNA, Attorney General of Washington, and WENDY BOHLKE, Senior Counsel, allege as follows:

**1. PARTIES**

- 1.1 The Complainant is:  
Whatcom Community College  
Attn: Ray White, Vice President for Administrative Services  
237 W. Kellogg Road  
Bellingham, WA 98226
- 1.2 Whatcom Community College obtains telecommunication services within the service area of Respondent.
- 1.3 The Respondent is Qwest Communications. Respondent is a public service company owning and operating a telecommunications company in Washington and is subject to regulation by the Washington Utilities and Transportation Commission (Commission)

**2. RULES/STATUTES AT ISSUE**

- 2.1 The following statutes and; provisions of the Washington Administrative Code may be brought into issue:  
RCW 80.04.230  
RCW 80.04.240,  
WAC 480-120-161  
WAC 480-120-163
- 2.2 RCW 80.04.230 allows the commission to order the public service company to pay the amount of overcharges with interest from the date of collection of overcharges.

**ORIGINAL**

- 2.3 WAC 480-120-161 requires a public service company to provide bills to customers that only include charges for services that have been requested by the customer and that have been provided by the company. WAC 480-120-161 further states that the bill include a brief, clear, not misleading, plain language description of each service.
- 2.4 WAC 480-120-163 requires a public service company to refund overcharges with interest up to a maximum of two years but does not limit other remedies available to customers.

### 3. STATEMENT OF FACTS

- 3.1 Whatcom Community College (WCC) obtains its telecommunications service from Qwest and in the late 1980's requested that Qwest install Off Premise Extensions (OPX's) at three College locations as described below.

One OPX at 1407 Commercial St, Bellingham  
Five OPX's at 5217 Northwest Rd, Ferndale and  
Three OPX's at 288 W Kellogg Rd, Bellingham

- 3.2 During the 1990's WCC vacated each of the three locations and requested that Qwest disconnect the OPX's. The disconnect request was relayed verbally to Qwest by WCC's telecommunication manager at the time, Mr. Wayne Gerner who has since retired due to medical reasons and is no longer able to assist WCC. The Qwest circuit numbers and the date the location was vacated are shown below.

OSNA.360.676.6069.1A at 1407 Commercial St, Bellingham,  
vacated by the college in November 1990.  
OSNA.360.676.6069.2A., .2B, .2C, .2D, and .2E at 5217  
Northwest Rd, Ferndale, vacated in April 1994.  
OSNA.360.676.6069.5A - 5C at 288 W Kellogg Rd, vacated in  
September 1998.

- 3.3 An audit of WCC's telephone bills was started in July 2004 by Northwest Capital Recovery Group (NWCRG). NWCRG representative, Richard Doughty, determined that Qwest was still billing for the nine OPX circuits that WCC had requested be disconnected.
- 3.4 The next step taken was to determine if the nine OPX's were still physically installed in the WCC main phone room. Interconnect Systems, the company that WCC uses to maintain their telephone system, dispatched a technician on October 1, 2004. Dawn Schelinski, Certified Technician for Interconnect Systems, 1822 Franklin Street, Bellingham, found no physical evidence that any of the nine OPX's were still installed in the WCC telephone room. To further verify whether the OPX's were still in existence, an order was placed with Qwest, order number

C93251984, to have a Qwest technician visit the WCC site and identify any of the OPX's with a tag. Georgeanne, the Qwest technician, called Mr. Doughty on October 8, 2004 to indicate that while the OPX service was "working from the Central Office perspective" she could not find the OPX circuits, that the wiring was a mess, that the only RJ marking with any of the OPX circuit numbers was on an RJ cover she found on the floor.

- 3.5 Sara Adams (Qwest employee, position and title not provided, who was the contact for the informal complaint) described the Qwest technician's site and Ms Adams states that

"...the technician advised that the customer had already disconnected them on their end".<sup>1</sup>

The Qwest technician had no proof that the customer had performed the disconnect and was unjustified in assuming that because the service had been disconnected that the customer had done it. WCC telecommunications staff knew that the only way to stop the billing for the OPX service was to have Qwest perform the disconnect.

- 3.6. On October 12, 2004, Richard Doughty called Sherry Robertson, Qwest Account Service Representative to inform her of the Qwest billing error on the nine OPX's. Ms Robertson responded on October 19, 2004 via email that she had "put in an order to have 9/20/2004 be the effective bill date of the nine circuits so at least th(e) college won't be billed for them after you asked to have them disconnected."<sup>2</sup> Ms Sherwood informed Richard Doughty via telephone that Qwest had no record of a previous disconnect request from WCC and in response to Mr. Doughty's question, also stated that Qwest did not have any record of the original install request for the nine OPX's. Mr. Doughty told her he would check with WCC staff for evidence of a disconnect order.

- 3.7 On November 1, 2004, Ray White sent a letter<sup>3</sup> to Sherry Robertson as proof that WCC had indeed requested that Qwest disconnect the nine OPX circuits. Ms Robertson forwarded Mr. White's letter to the Qwest Billing group with an accompanying email<sup>4</sup>. In this email Ms Robertson identifies the monthly charges for the nine OPX's as \$ 50.55 each (before taxes) and requested that Qwest provide a refund of at least one month. Mr. Harry Wildgen, NWCRG principal, called and emailed Ms Robertson to say that a refund of one month's charges was inadequate. Ms Robertson said that she would contact NWCRG regarding a refund as soon as she heard from the Sales Department. Mr Wildgen responded that we did not want to wait and would like to talk with her superiors so Ms

---

<sup>1</sup> Email from Sara Adams to Alison Chamberlin dated December 21, 2004. See WA - UTC complaint 92039 for Whatcom Community College

<sup>2</sup> Email from Sherwood Robertson to Rick Doughty dated October 19, 2004. See Attachment 1.

<sup>3</sup> Letter from Ray White to Sherry Roberston dated November 1, 2004. See Attachment 2.

<sup>4</sup> Email from Sherry Robertson to "GESblng" dated November 3, 2004. See Attachment 3

Robertson said she would arrange for her superiors to contact NWCRG to discuss the refund issue. On November 10, 2004 Ms Robertson emailed Mr. Wildgen to say that her manager, Missy Martin, would be glad to talk with him and gave him Ms Martin's telephone number.

3.8 On November 11, 2004, Mr. Wildgen and Richard Doughty called Ms. Martin to discuss the OPX refund issue. Ms. Martin had Ms Robertson and Mr. Rick Henderson (his title or position with Qwest was not provided) participate in the conference call. Mr. Henderson led the discussion and immediately stated he was not ready to discuss the issue at this time and refused to commit to a future date at which he would be ready but said he may get back to us later that day and terminated the call. In fact, Mr. Henderson never did call back.

3.9 On December 1, 2004 Mr. Doughty contacted Camisha Gix in the Qwest Business Markets Group to see if she could assist with resolving the OPX refund issue.

Ms. Gix had been instrumental in resolving a similar problem for WCC in processing a refund request for four WCC Foreign Exchange lines that Qwest had continued to bill for four years after that service had been cancelled. Ms Robertson obtained a full refund for WCC of \$7,742.09 which was issued by Qwest on November 23, 2004.

On December 2, 2004 Ms Gix emailed<sup>5</sup> me that "Qwest Sales and Management" was handling the OPX matter and that "Qwest is unable to give credits on those circuits because it has not been proven that anyone notified Qwest to disconnect these circuits."

3.10 On December 8, 2004, after almost a month of no response from Mr. Henderson, Mr. Doughty contacted the Washington Utilities and Transportation Commission on behalf of WCC and emailed a detailed description of the events to date to Alison Chamberlin to initiate an "informal complaint" against Qwest. Ms Chamberlin made it clear that the purpose of an informal complaint was to use the resources of the WUTC to try one more time to resolve disputes between a customer and a utility company. Ms Chamberlin fully documented her efforts and activities during this informal stage in a complaint file (WA - UTC complaint 92039 for Whatcom Community College). Suffice it to say that the dispute was not resolved during the informal phase and Qwest did not change its position. In an email<sup>6</sup> dated February 9, 2005, Ms Chamberlin stated:

I have confirmed with my Supervisor that this complaint has run its course at the informal level. As we discussed, our recommendation at this juncture is to submit a formal complaint. I am hoping you received

<sup>5</sup> Email from Camisha Gix to Rick Doughty dated December 2, 2004. See Attachment 4.

<sup>6</sup> Email form Alison Chamberlin to Rick Doughty dated February 9, 2004. See Attachment 5

the package from our mailing center containing documentation on the process for filing a formal complaint. Upon your request, I will also make the complaint file available to you.

I will be noting in the results that we are upholding the customer. This is supported by the fact that the company did offer partial remuneration. I will also note that we do not have the information needed to make a final determination regarding WAC 480-120-163 and its requirement to refund back two years for billing overcharges. Therefore, our recommendation is to seek a formal hearing which can go beyond the limits of an informal complaint investigation.

3.11 WCC did continue to unwittingly pay the charges for the OPX service which were billed on WCC's main account: 360-676-6069 because WCC assumed that Qwest had stopped billing for the service after WCC notified Qwest to remove the OPX service. WCC did not realize that the OPX billing continued because of the incomprehensible billing description of the OPX service. The charges for the OPX service were identified on the 360-676-6069 bill in an incomprehensible manner which is in violation of WAC 480-120-161 (5) (a) which states that a bill must include a brief, clear, not misleading, plain language description for which a charge is included. Attachment 6 is a copy of the first three pages of the 360-676-6069 bill. Page 2 of the bill shows the charges for the nine OPX. The table below reproduces these charges. While the billing description is brief, it is not a clear, nonmisleading, plain language description of the service.

Quantity	Description	Code	Item Rate	Amount
6	Transport Channel – Fixed Rate	FQYX1	20.25	121.50
9	Channel Performance – Loop Start Signaling	PCWCX	8.25	74.25
9	Loop Start Signaling – Type LS	PJWHX	9.05	81.45
13	Network Access Channel 2-Wire Interface	1DC2X	16.50	214.50
10	Transport Channel – per Mile Rate	3LBXA	0.80	8.00

#### 4. SUMMARY

4.1 Qwest assumed that if they can not find a record of the disconnect request that the customer did not request it. Since Qwest was also unable to provide a record of the initial request for the service to be installed, the completeness of Qwest records for this service can not be used as proof that the customer did not request a disconnect of OPX service.

4.2 The customer offered proof of the disconnect request to Qwest in the aforementioned letter from Ray White, dated November 1, 2004.

4.3 This lack of adequate records has surfaced in several other cases of billing by both Qwest and Verizon for services that customers had requested be disconnected or that the customer had never ordered. Specifically:

1. Qwest initially refused to refund charges to WCC for account 360 S01-0480 because Qwest had no record of a disconnect request. (Described above in para. 3.9)
2. Qwest initially refused to refund charges to Longview Surgical Group for account 206 T51-3973 686 because they claimed the customer had ordered the service when, in fact, the customer had not ordered the service.
3. Verizon is refusing to refund charges to Lummi Indian Tribe for account 360-662-1239 because they have no record of a disconnect request.

4.4 Qwest’s unjustified billing for the WCC OPX service after it had been disconnected could have been prevented if Qwest had provided WCC with a plain language description of the service as required by WAC 480-120-161. WCC would in that case have been able to recognize the problem and notify Qwest of the Qwest error.

4.5 The misleading description of the OPX service also confused Qwest and caused them to miscalculate the monthly costs they used in their “courtesy offer “ of a two month refund.<sup>7</sup>

1. Qwest erroneously included a cost component in their calculation that has nothing to do with OPX service, namely the NDT component shown below.

Quantity	Description	Code	Item Rate	Amount
4	Direct inward Dialing Trunk Termination	NDT	33.00	132.00

2. Qwest erroneously omitted three cost components that were part of the OPX service, namely the three components shown below.

Quantity	Description	Code	Item Rate	Amount
6	Transport Channel – Fixed Rate	FQYX1	20.25	121.50
13	Network Access Channel 2-Wire Interface	1DC2X	16.50	214.50
10	Transport Channel – per Mile Rate	3LBXA	0.80	8.00

<sup>7</sup> Email from Sara Adams to Alison Chamberlin dated January 27, 2005

4.6 The refund of OPX charges beyond the 2 years provided for in WAC 480-120-163 is justified by the fact that no service was provided to WCC after the three locations were vacated. While Qwest claims that the service appeared to be working from the Central Office perspective, the claim is physically impossible because there was no OPX service still in existence in the WCC phone room. Qwest's claim would be like a car salesman trying to sell you a car by demonstrating that the engine runs fine but neglecting to point out that there is no transmission in the vehicle. WAC 480-120-161 (4) (a) states that bills may only include charges for services that have been provided. Qwest had been billing for OPX service that did not exist.

4.7 The Qwest billing error period is as follows:

OSNA.360.676.6069.1A at 1407 Commercial St, Bellingham,  
November 1990. through November 2004  
OSNA.360.676.6069.2A - .2E at 5217 Northwest Rd, Ferndale,  
April 1994. through November 2004  
OSNA.360.676.6069.5A - 5C at 288 W Kellogg Rd September  
1998 through November 2004

4.8 The Qwest billing error is estimated as follows.

1. OSNA.360.676.6069.1A = 1 circuit x \$ 55.52 x 12 months x 14 years = \$  
\$9,327.73
  2. OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 55.52 x 12 months x 10.5 years  
= \$34,979.00
  3. OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 55.52 x 12 months x 6 years =  
\$11,992.80
- sub total \$56,299.53  
taxes (est) \$5,629.95  
TOTAL \$61,929.49

(Interest has not been included in this total.)

**WHEREFORE, Complainant requests relief as follows:**

- 1) That a formal hearing be held on the issues raised by this Complaint;
- 2) That Respondent be ordered to refund the charges paid by WCC for non-existent service including reasonable attorney's fees;
- 3) For such other and further relief as the Commission deems just and equitable.

Dated this \_\_\_\_\_ day of May, 2005.



Dated this 18<sup>th</sup> day of May, 2005.

Respectfully submitted,

ROB MCKENNA  
Attorney General of Washington

By   
WENDY K. BOHLKE  
Senior Counsel  
WSBA # 8085

VERIFICATION:

I, Richard Doughty, verify under penalty of perjury, that the foregoing Compliant is true to my best knowledge and belief under the Laws of the State of Washington.

Date this 12 day of May, 2005.

  
Richard Doughty, Representative of NWCRG

----- Original Message -----

**From:** Robertson, Sherwood

**To:** Rick Doughty

**Sent:** Tuesday, October 19, 2004 7:36 AM

**Subject:** Disconnects and Billing

Rick,

The woman who sent that email I forwarded to you yesterday is on vacation this week. I left a message for her backup but never heard back.

After reading her email again, I think I jumped the gun. I think she meant that she disconnected (or saw that they were already disconnected) the nine circuits. Why she put your phone number in the subject line of the email is a mystery.

Anyway, I left a message for her backup to NOT disconnect your phone line. I also put in an order to have 9/20/2004 be the effective bill date of the nine circuits so at least th college won't be billed for them after you asked to have them disconnected.

We still have the matter of the the charge for the technician who came out to check the circuits for you.

Thank for all your help.

Sherry

**Sherry Robertson**  
**Qwest Account Service Representative**  
**(866)524-4065**  
**(877)277-7937 ext 15239**  
**Sherwood.Robertson@QWest.com**

5/10/2005

ATTACHMENT 1

NOV-29-2004 MON 10:04 AM WHATCOM COMMUNITY COLLEGE

FAX NO. 3608762171

P. 02



# Whatcom Community College

237 W. Kollogg Road • Bellingham, WA 98226 • (360) 676-2170 Fax (360) 676-2171 • www.whatcom.cic.edu

November 1, 2004

Sherry Robertson  
Qwest Account Service Representative

Dear Ms. Robertson,

The purpose of this letter is to provide documentation to support the College's position that a disconnect request had been provided to Qwest to disconnect nine off-premise extensions (OPXs).

These nine OPXs were originally installed at the following locations:

1407 N. Commercial St. (1 extension)  
College vacated that facility November 1990

288 W Kollogg Road (3 extensions)  
This location was renovated and a new phone system was installed. The renovation work was performed between Oct. 1993 through March 1994. Therefore, the OPXs for this location went out of use as of April 1994.

5217 Northwest Road & (5 extensions)  
WCC vacated those facilities in September 1998.

Mr. Wayne Gerner was in charge of the College's telecommunications during the period shown above and worked closely with both Verizon (GTE at the time) and Qwest (US West at the time) and handled requests for service, disconnect orders, and coordination for service problems as they occurred. Mr. Gerner has since retired due to medical problems and is not available to assist the College with telecom issues. As I am sure you know, the vast majority of service requests (for both installs and disconnects) consisted of verbal orders as that was the standard process in those days. Consequently, we can not provide you with a written disconnect order for the OPXs listed above. However, I can state that I am convinced that Mr. Gerner requested Qwest to disconnect the OPXs at the dates specified above. Mr. Gerner was fully aware that the locations were being vacated; that the OPXs would no longer be needed, and knew that a disconnect request would be necessary. My conviction is based on knowing the quality of work performed by Mr. Gerner, that he was attentive to detail, and he worked closely with Verizon and Qwest on telecom issues on a daily basis.

Please consider this letter as proof of a disconnect request, forward it to appropriate Qwest management, and continue to work with our Agent, Mr. Rick Doughty of Northwest Capital Recovery Group to resolve this issue and have the back charges refunded to the College.

We look forward to a continued, productive relationship with Qwest to meet the communications needs at Whatcom Community College.

Sincerely,

Ray White  
Vice President, Administration

ATTACHMENT 2

— Original Message —

**From:** Robertson, Sherwood

**To:** GESblng

**Cc:** h.wildgen@comcast.net ; rdoughty@seanet.com

**Sent:** Wednesday, November 03, 2004 9:14 AM

**Subject:** Nine Disconnected Circuits at Whatcom Community College

Dear Billing;

I have recently entered order C94452620 to have nine OPX circuits disconnected for Whatcom Community College. These circuits have not been used for a long time.

OSNA.360.676.6069.1A at 1407 Commercial St, Bellingham was vacated by the college in November 1990.

OSNA.360.676.6069.2A - 2E 5217 Northwest Rd, Ferndale were vacated in April 1994.

OSNA.360.676.6069.5A - 5C at 288 W Kellogg Rd were vacated September 1998.

It has taken some time to get these circuits off the college's CSR because the terminations were not labelled and not connected to anything on the college's end.

The recent (September) monthly charges on each of these circuits have been:

PCWCX	\$ 8.25
PJWHX	9.05
NDT	33.00

---

\$ 50.55

I am requesting to have some of this revenue credited back to the college. At the very least I am requesting to have the disconnects backdated to September 19 before the September billing on 9/20/2004.

I also want to fax a letter from Ray White, Vice-President, Administration, Whatcom Community College and am forwarding a letter from Harry Wildgen of the Lilly Properties, Inc. Whoever picks this request up, please call me and advise me which fax number would be the most convenient to use.

Thank you very much for your help with this matter.

ATTACHMENT 3

----- Original Message -----

**From:** Gix, Camisha

**To:** Rick Doughty

**Sent:** Thursday, December 02, 2004 11:32 AM

**Subject:** RE: Whatcom Comm College billing error

I just received an email from Qwest Sales and Management, they are handling this matter. I am showing Qwest is unable to give credits on those circuits because it has not been proven that anyone notified Qwest to disconnect these circuits.

Thank you,

Qwest Communications

ATTACHMENT 4

----- Original Message -----

**From:** Alison Chamberlin

**To:** Whatcom Community College

**Sent:** Wednesday, February 09, 2005 5:53 PM

**Subject:** WA - UTC complaint 92039 for Whatcom Community College

Hello Rick:

I have confirmed with my Supervisor that this complaint has run its course at the informal level. As we discussed, our recommendation at this juncture is to submit a formal complaint.

I am hoping you received the package from our mailing center containing documentation on the process for filing a formal complaint. Upon your request, I will also make the complaint file available to you.

I will be noting in the results that we are upholding the customer. This is supported by the fact that the company did offer partial remuneration. I will also note that we do not have the information needed to make a final determination regarding WAC 480-120-163 and its requirement to refund back two years for billing overcharges. Therefore, our recommendation is to seek a formal hearing which can go beyond the limits of an informal complaint investigation.

It has been a pleasure working with you. Please advise if I may be of further assistance.

This informal complaint is now closed.

Sincerely,

Alison Chamberlin  
Consumer Program Specialist

---

ATTACHMENT 5

Washington Utilities Commission  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250  
360/664-1105  
FAX 360/664-4291  
Toll Free 1-800-562-6150  
[achamber@wutc.wa.gov](mailto:achamber@wutc.wa.gov)

----- Forwarded by Alison Chamberlin/WUTC on 02/09/2005 04:28 PM -----  
Washington UTC Complaint 92039

Company: Qwest Corporation

Customer: Account# OSNA.360.676.6069.1A,  
OSNA.360.676.6069.2A - 2E, OSNA.360.676.6069.5A - 5C

Whatcom Community College  
Contact: Rick Doughty, Senior Auditor  
Northwest Capital Recovery Group  
237 West Kellogg Road  
Bellingham, WA 98226  
Phone: (360) 676-2170

Complaint: 92039 Serviced by: Alison Chamberlin  
Opened on: 12/08/2004 Grouped by: Disputed Bill

Description:

Auditor for Whatcom Community College claims Qwest has continued to bill and has received payment for services previously disconnected and cancelled. He says Qwest installed 9 OPX (off premise extensions) lines to three locations at some time in the 1980's. The College vacated these three locations and requested that Qwest disconnect the service. The circuit numbers, addresses, and approximate dates of cancellation are:

- 1) OSNA.360.676.6069.1A at 1407 Commercial St., Bellingham--vacated by the college in November 1990.
- 2) OSNA.360.676.6069.2A - 2E 5217 Northwest Rd., Ferndale--vacated in April 1994.
- 3) OSNA.360.676.6069.5A - 5C at 288 W Kellogg Rd.--vacated September 1998.

In the Auditor's review of the WCC bills he found Qwest charges for these circuits and learned from Whatcom Community College that the service was supposed to have been removed by Qwest at the time sites were vacated. All 9 circuits were billed on the 360-676-6069 account. SEE ACTIVITY DETAIL.

Activity:

\*\*\* 12/08/2004 02:42 PM Fax: Alison Chamberlin << Rick Doughty  
Received 3-page fax from Mr. Doughty regarding 1) copy of letter from Ray  
White, Vice-President Administration, and 2) March 20, 2004 bill noting  
numbers  
for disconnected service.

\*\*\* 12/08/2004 02:42 PM Email: Alison Chamberlin << Rick Doughty  
Here is the background on the problem Whatcom Community College is having  
with Qwest.

For the record, I am working with Whatcom Community College (WCC) as their  
agent and I have a Letter of Agency signed by the College. I am an  
independent telecommunications consultant and auditor which means that I  
accept no payment nor compensation from any vendors or telecommunications  
companies. I am also a member of the Society of Telecommunications  
Consultants.

Whatcom Community College had Qwest install 9 OPX (off premise extensions)  
lines to three locations at some time in the 1980's. The College vacated  
these three locations and requested that Qwest disconnect  
the service. The circuit numbers, address for each location, and the date  
that the College moved out of each location is shown below.

OSNA.360.676.6069.1A at 1407 Commercial St, Bellingham was vacated by the  
college in November 1990.

OSNA.360.676.6069.2A - 2E 5217 Northwest Rd, Ferndale were vacated in  
April 1994.

OSNA.360.676.6069.5A - 5C at 288 W Kellogg Rd were vacated September 1998.

In my review of the WCC bills I found Qwest charges for these circuits and  
learned from the client that the service was supposed to have been removed  
by Qwest years ago. These 9 circuits are billed on the 360-676-6069  
account.

My next step was to have a technician do a site survey to determine if the  
circuits were still installed at the College's main location where the  
phone system is installed. On Oct 13, 2004, Qwest technician Georganne  
was dispatched to the WCC phone room to attempt to locate and tag the 9 OPX  
circuits. She was unable to locate any of the 9 OPX circuits. This would  
seem to be proof that the service had been disconnected.

The College's telecom person who verbally requested that Qwest disconnect  
the OPXs has since left the college for medical reasons and is not  
available to provide further details of past events. However, Mr. Ray  
White, Vice President of Administration at WCC has provided written proof  
that the disconnect requests were submitted to Qwest. (A copy of this  
letter is being faxed to you.)

I am also faxing you a copy of the bill detail that contains the charges  
for this service. It should be obvious to an unbiased observer that it is



not reasonable to expect a typical business customer of Qwest to decipher the billing detail and find that the OPXs are still appearing on the bill. The College was receiving 5 or 6 other Qwest bills and did not know which of these bills covered the OPX service. The College acted under good faith and assumed that Qwest had disconnected the OPX service and had stopped billing for it. Since Qwest bills in advance for service it could have taken several billing cycles for a disconnect to be finally completed with respect to the bills.

The recent (September) monthly charges on each of these circuits have been:

		"USOC" code:
PCWCX	\$ 8.25	
		"USOC" code:
PJWHX	9.05	
		"USOC" code:
NDT	33.00	

\$ 50.55 per month (plus taxes)

Total refund would amount to:

OSNA.360.676.6069.1A = 1 circuit x \$ 50.55 x 12 months x 14 years =  
\$ 8,492

OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 50.55 x 12 months x 10.5 years  
= \$ 31,846

OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 50.55 x 12 months x 6 years =  
\$10,918

sub total \$51,256

taxes (est) \$ 5,125

TOTAL \$56,381

It thus appears that the College requested Qwest to disconnect the 9 OPXs on or about the dates shown above and the service was removed but billing has continued. I issued a written request dated Oct. 15, 2004 to have all 9 OPXs disconnected so that the billing would finally stop.

We attempted to resolve this issue with Qwest and discussed the problem in detail with Patty Winkler, Account Rep and Rick Hendrickson who is at some unspecified level of Qwest management. They said they have no record of the disconnects and refused to acknowledge the letter from Ray White that offered proof of the verbal disconnect request that had been submitted.

The College would like to have Qwest refund the billing charges for this service that has been removed many years ago.

I would also like to point out that the College had a similar problem with a group of FX circuits that had been disconnected but Qwest continued to bill for service. I was successful in obtaining a refund from Qwest and worked with a different group of people within Qwest. The important point is that the refund was for almost 5 years (58 months) of overbilling.

Please contact me if you have any questions or would like additional details.

\*\*\* 12/08/2004 03:22 PM Email: Alison Chamberlin << Rick Doughty  
When you have a moment would you please confirm receipt of the detailed email and the 3 page fax that I sent to you regarding a complaint for Whatcom Community College against Qwest ?

\*\*\* 12/08/2004 03:55 PM Email: Alison Chamberlin >> Rick Doughty  
Have them--thank you!

\*\*\* 12/20/2004 11:41 AM Email: Alison Chamberlin >> Qwest Complaints  
Passing Complaint.

I do have a copy of the letter from Ray White, Vice-President of Administration for Whatcom Community College, confirming that the person who handled telecom disconnects and change orders worked closely with Qwest and Verizon and routinely made verbal service requests (apparently common at that time), as he would have for the disconnect and cancellation requests pertaining to these OPX lines. It also appears the customer has taken additional steps to prove these lines were disconnected (see activity notes).

According to RCW 80.04.240, RCW 80.04.230, and WAC 480-120-163 regarding company refunds of overcharges, Qwest can be required to refund two years of overcharges, with interest, to Whatcom Community College. The RCW and WAC rules supersede Tariff provisions.

The rule states the following:

WAC 480-120-163 Refunding an overcharge. A company must refund overcharges to the customer with interest, retroactive to the time of the overcharge, up to a maximum of two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers.

Please provide Qwest's response.

\*\*\* 12/20/2004 02:06 PM Email: Alison Chamberlin << Adams, Sara  
I will handle this complaint. Thanks!

\*\*\* 12/21/2004 11:37 AM Email: Alison Chamberlin << Adams, Sara  
Generic Complaint  
Customer Telephone Number: 360-676-6069  
Est 08-17-87, A Acct, 0 Dep, 0 Late Notice, 0 Disc, 0 NSF Checks  
Summary of Customer Complaint/Billing Dispute or Inquiry: disputing disconnect date

Bill History

09-20-04 bill \$1469.58cc, \$0pb, \$1469.58t, due 10-10-04

5/10/2005

09-22-04 Rick Doughty called, wanted to know were the circuits were working. Advised Rick that Qwest could send a technician out to determine. He will call back  
09-30-04 paid \$1469.58, \$0b  
10-06-04 Rick called, would like the OPXs tagged. Qwest advised him that Qwest will charge Time and Material charges to locate the line. Rick said that he doesn't want to pay for a technician. Advised Rick that Qwest will not waive charges. Rick said he will check with his finance department and call back.  
10-13-04 Technician went out, line pulled on the customer's end, still working on Qwest's end  
10-15-04 OPXs disconnected per customer's request

#### Bill History

10-20-04 bill \$1468.67cc, \$0pb, \$1468.67t, due 11-09-04  
11-03-04 Rick wants credit for the 9 OPX circuits, states that they should have been disconnected long ago. Qwest sales manager advised Rick that she would escalate this to a supervisor to determine whether or not customer is eligible to receive any credits. 10-03-04 Qwest advised that there were no records on file indicating that Whatcom College ever requested Qwest to disconnect the 9 OPXs. All charges are sustained.  
11-04-04 paid \$1468.67, \$0b

#### Bill History

11-20-04 bill \$398.96cc, \$0pb, \$398.96t, due 12-09-04  
12-02-04 Qwest received an email from Rick Doughty requesting credits. Advised Rick that Qwest has already determined that the charges are legitimate and sustained.  
12-06-04 paid \$398.96, \$0b

Comments/Research: Please accept my apology for any inconvenience this may have caused the customer. Qwest does not have any records of Whatcom Community College requesting to disconnect the 9 OPX circuits. Qwest did send a technician out to try and locate the circuits, and the technician advised that the customer had already disconnected them on their end, but they were still working on ours. It may have been the customer's intention to disconnect the circuits, however Qwest would have no way of knowing that. The customer's OPXs were small enough that they were not monitored by Qwest for traffic. Therefore Qwest would have no way of knowing whether the circuits were in use. Qwest has sustained all charges billed to the customer. Please let me know if you have any additional questions. Thanks!

Sara Adams

Please notify when ready to close

\*\*\* 12/29/2004 09:00 AM Phone: Alison Chamberlin << Rick Doughty Received call from customer regarding another of his client's UTC complaint.

5/10/2005

While on the phone, I explained that I had received a response from Qwest sustaining charges. Explained that I would be reviewing to determine next steps and additional information needed from Qwest or customer.

\*\*\* 01/11/2005 01:45 PM Action: Alison Chamberlin  
 Reviewed bill history and response from Qwest. Need to confirm situation when small OPX lines are in use and other engineering elements.

\*\*\* 01/26/2005 04:57 PM Email: Alison Chamberlin >> ssmiley  
 It is clear in this case that Whatcom Community College did not receive services billed for.

WAC 480-120-161 Form of bills states the following:

(4) Bill organization. Telephone bills must be clearly organized, and must promptly with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

In addition, according to RCW 80.04.240, RCW 80.04.230, and WAC 480-120-163, company bills resulting in customer payments for non-service are clearly company overcharges, i.e. "... an amount for any service rendered in excess of the lawful rate in force at the time such charge was made;" in consideration of no applicable rate for no service received.

WAC 480-120-163 Refunding an overcharge, additionally states the following:

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

Therefore, regarding company refunds of overcharges, Qwest is required to refund two years of overcharges, with interest, to the Whatcom Community College. The RCW and WAC rules supersede Tariff provisions.

OSNA.360.676.6069.1A = 1 circuit x \$ 50.55 x 12 months x 2 years	
= \$1,213.20	
OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 50.55 x 12 months x 2 years	=
\$6,066.00	
OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 50.55 x 12 months x 2 years	=
\$3,639.60	
sub total	= \$10,918.80
taxes (est)	= \$1,091.88

Please provide Qwest's plan for re-payment.

Thank you,

Alison Chamberlin  
Consumer Program Specialist  
Washington Utilities Commission  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250  
360/664-1105  
FAX 360/664-4291  
Toll Free 1-800-562-6150  
[achamber@wutc.wa.gov](mailto:achamber@wutc.wa.gov)

\*\*\* 01/27/2005 10:17 AM Email: Alison Chamberlin << Adams, Sara  
Qwest does not have any record of Whatcom Community College requesting to disconnect the 9 OPX circuits in question. Monthly billing statements were provided to the customer and were promptly paid. Therefore, Qwest maintains their position and does not agree that a refund is due.

Qwest is willing, however, to issue a 2 month courtesy credit to satisfy the complaint.

OSNA.360.676.6069.1A = 1 circuit x \$ 50.55 x 2 months = \$101.10  
OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 50.55 x 2 months = \$505.50  
OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 50.55 x 2 months = \$303.30

Total: \$909.90 plus tax = \$984.51

Please let me know if you have any additional questions. Thanks!

\*\*\* 02/02/2005 11:14 AM Phone: Alison Chamberlin << Rick Doughty  
I received a call from the customer inquiring as to the status of the Whatcom Community College and Lummi complaints. I informed him that Qwest had only offered 2 months back credit for the three Whatcom lines. I explained that I had discussed this issue with my Supervisor and the Senior Telcom Engineer and the feeling was that these large back billing complaints would have to go formal. I told the customer that I would send information on how to file a formal complaint. He asked if it would be advisable to consult an attorney and I said yes it would--particularly as formal complaints are legal proceedings and that legal precedents and arguments would be key. I explained to him that the WUTC will only become involved if staff believes it is necessary or is

5/10/2005

asked by the presiding judge to comment. I told him the decision to advise him to go formal was pretty much where we at regarding Whatcom Community College, though were still waiting for a final Verizon response to make a definite recommendation regarding the Lummi complaint.

\*\*\* 02/02/2005 12:03 PM Letter: Alison Chamberlin >> Rick Doughty  
Sent package to customer containing WAC 480-120, WAC 480-07, and the Filing a Formal Complaint fact sheet.

\*\*\* 02/02/2005 03:33 PM Email: Alison Chamberlin << Rick Doughty  
Can you provide me with the tariff reference that discusses the 2 year limit on billing errors? If you can provide the paragraph #, I think I can check the tariff on line.  
Whatcom Community College has asked me for this so they can start to get their Attorney General rep up to speed.

\*\*\* 02/03/2005 02:00 PM Email: Alison Chamberlin >> Rick Doughty  
The verbiage is actually found in the Revised Code of Washington (RCW's) and the Washington Administrative Code (WAC's). The rules supersede tariff provisions, unless specifically exempted by the Commission. This is an excerpt from my email to Qwest stating the rules:

"It is clear in this case that Whatcom Community College did not receive services billed for.

WAC 480-120-161 Form of bills states the following:

(4) Bill organization. Telephone bills must be clearly organized, and must promptly with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

In addition, according to RCW 80.04.240, RCW 80.04.230, and WAC 480-120-163, company bills resulting in customer payments for non-service are clearly company overcharges, i.e. "... an amount for any service rendered in excess of the lawful rate in force at the time such charge was made;" in consideration of no applicable rate for no service received.

WAC 480-120-163 Refunding an overcharge, additionally states the following:

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

Therefore, regarding company refunds of overcharges, Qwest is required to refund two years of overcharges, with interest, to the Whatcom Community College. The RCW and WAC rules supersede Tariff provisions.

OSNA.360.676.6069.1A = 1 circuit x \$ 50.55 x 12 months x 2 years  
= \$1,213.20  
OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 50.55 x 12 months x 2 years =  
\$6,066.00  
OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 50.55 x 12 months x 2 years =  
\$3,639.60  
sub total = \$10,918.80  
  
taxes (est) = \$1,091.88

To have printable access to the WAC and RCW rules, go to:  
<http://www1.leg.wa.gov/LawsAndAgencyRules/>

I'll let you know soon regarding our final disposition on your complaints, though I believe a Formal filing is the direction we are headed.

\*\*\* 02/03/2005 02:27 PM Email: Alison Chamberlin << Rick Doughty  
Thanks for the info below, I am forwarding it to the College.  
In my meeting with the College yesterday they pointed out that since they are a State agency, they have worked with the Attorney General's Office many times in the past so they are checking with their AG rep about this refund issue.



WHATCOM COMMUNITY COLLEGE  
 Bill Date: May 20, 2004  
 Account No: 360-676-6069 252-  
 Page 1 of 4

www.qwest.com

Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$1,465.74	\$1,465.74	Jun 9, 2004

**Account Summary**

**BUSINESS OFFICE**

MAY 26 2004

▼ **Previous Balance**

Charges		1,441.20
Payment Apr 29	<i>Thank you for your payment.</i>	1,441.20
<b>Balance Forward</b>		<b>\$0.00</b>

▼ **New Charges**

**For questions, call: Page**  
 1 800 777 9594 2

Qwest	1,465.74
<b>Total New Charges</b>	<b>\$1,465.74</b>
<b>TOTAL AMOUNT DUE</b>	<b>\$1,465.74</b>

A late payment charge of 1.0% may apply if amount due does not reach us by Jun 20, 2004.

Qwest, PO Box 12480, Seattle, WA 98111-4480

**continued on back**

ATTACHMENT 6





For questions, call 1 800 777 9594

WHATCOM COMMUNITY COLLEGE  
 Bill Date: May 20, 2004  
 Account No: 360-676-6069 252-

**New Charges**

	Qwest Local Services	Qwest Long Distance	
Monthly Charges Long Distance	1,321.44		
Taxes, Fees and Surcharges		1.58	
State Sales at 6.5%	86.73	.10	
Local Sales at 1.7%	22.68	.03	
State 911 at \$.20 per access line			
Local 911 at \$.50 per access line	4.20		
Federal Universal Serv Fund at 10.0015%	10.50		
TRS Excise Funds Federal ADA Requirement at \$.14 per access line	12.81		
Telephone Assistance Program at \$.13 per access line	2.94		
	2.73		
<b>Subtotal</b>	<b>\$1,464.03</b>	<b>\$1.71</b>	
		<b>Total New Charges</b>	<b>\$1,465.74</b>

**Qwest Local Services**

**Monthly Charges**

Charges from Apr 20 to May 20

Quantity	Description	Code	Item Rate	Amount	
26	Additional Directory Listing	CLT	1.00	26.00	SL
6	Transport Channel - Fixed Rate	FQYX1	20.25	121.50	SL
60	Direct Inward Dialing Number	NDN	.15	9.00	SL
4	Direct Inward Dialing Trunk Termination	NDT	33.00	132.00	SL
9	Channel Performance - Loop Start Signalling	PCWCX	8.25	74.25	SL
9	Loop Start Signaling - Type LS	PJWHX	9.05	81.45	SL
4	Direct Inward Dialing Analog PBX Trunk	TDD	24.10	96.40	SL
13	Network Access Channel 2-Wire Interface	1DC2X	16.50	214.50	SL
16	Business Line	1FB	26.89	430.24	SL
10	Transport Channel - per Mile Rate	3LBXA	.80	8.00	SL
21	Federal Access Charge	9ZR	6.10	128.10	SL
	<b>Total Monthly Charges</b>			<b>\$1,321.44</b>	





For questions, call 1 800 777 9594

WHATCOM COMMUNITY COLLEGE

Bill Date: May 20, 2004

Account No: 360-676-6069 252-

Page 3

**Qwest Local Services****Taxes, Fees and Surcharges Summary**

The detail listed below has been included in the New Charges on this bill.  
This summary is provided as information only.

	Amount
Federal Excise - Exempt	
State Sales at 6.5%	86.73
Local Sales at 1.7%	22.68
State 911 at \$.20 per access line	4.20
Local 911 at \$.50 per access line	10.50
Federal Universal Serv Fund at 10.0015%	12.81
TRS Excise Funds Federal ADA Requirement at \$.14 per access line	2.94
Telephone Assistance Program at \$.13 per access line	2.73
<b>Total Taxes, Fees and Surcharges Summary</b>	<b>\$142.59</b>

**Total Qwest Local Services****\$1,464.03****Qwest Long Distance****Long Distance**

	Date	Time	Place	Number	Type	Minutes	Amount
<b>Calls Billed to 360-647-7627</b>							
1.	Apr 26	11:37A	To HALLS LAKE	WA 425 771 3366	DD	1.7	.27 SL
2.	May 03	10:37A	To SEATTLE	WA 206 770 7331	DD	1.0	.16 SL
3.	May 03	10:38A	To SEATTLE	WA 206 770 7331	DD	1.0	.16 SL
4.	May 06	10:57A	To SEATTLE	WA 206 770 7331	DD	1.0	.16 SL
5.	May 18	1:29P	To SEATTLE	WA 206 770 7331	DD	3.2	.51 SL
				<b>Subtotal</b>		<b>7.9</b>	<b>1.26</b>
<b>Calls Billed to 360-647-7940</b>							
6.	Apr 26	3:43P	To SEATTLE	WA 206 281 2716	DD	1.0	.16 SL
7.	May 04	12:12P	To SEATTLE	WA 206 281 2716	DD	1.0	.16 SL
				<b>Subtotal</b>		<b>2.0</b>	<b>.32</b>

Type of Call Codes:  
DD - Day Dialed

**Total Long Distance**      **9.9**      **\$1.58**

**Taxes, Fees and Surcharges Summary**

The detail listed below has been included in the New Charges on this bill.  
This summary is provided as information only.

	Amount
State Sales at 6.5%	.10

continued on back

\*\*\* 01/27/2005 10:17 AM Email: Alison Chamberlin << Adams, Sara  
Qwest does not have any record of Whatcom Community College requesting to  
disconnect the 9 OPX circuits in question. Monthly billing statements were  
provided to the customer and were promptly paid.  
Therefore, Qwest maintains their position and does not agree that a refund  
is due.

Qwest is willing, however, to issue a 2 month courtesy credit to satisfy  
the complaint.

OSNA.360.676.6069.1A = 1 circuit x \$ 50.55 x 2 months = \$101.10  
OSNA.360.676.6069.2A - 2E = 5 circuits x \$ 50.55 x 2 months = \$505.50  
OSNA.360.676.6069.5A - 5C = 3 circuits x \$ 50.55 x 2 months = \$303.30

Total: \$909.90 plus tax = \$984.51

Please let me know if you have any additional questions. Thanks!

ATTACHMENT 7