

Agenda Date: June 14, 2002
Item Number: Utilities 6

Docket: UT-020631

Subject: Petition for Waiver of WAC 480-80-206(3)(a) and (b), and WAC 480-120-193(1)(d)

Staff: Sharyn Bate, Research Analyst
Glenn Blackmon, Assistant Director, Telecommunications

Recommendation:

Direct the Secretary to file an order granting Qwest Corporation a temporary waiver of WAC 480-80-206(3)(a) and 480-120-193(1)(d), Internet address on each notice and bill, and WAC 480-80-206(3)(b), Statement of price list availability on each bill until November 30, 2002, and WAC 480-80-206(3)(b), Statement of price list availability on each notice until June 30, 2003.

Background:

On June 17, 2002, the rules adopted under Docket No. U-991301, Chapter 480-80 WAC, Utilities General – Tariffs, Price Lists, and Contracts, and customer notice rules in Chapter 480-120 WAC, Telecommunications Operations, will become effective. Qwest Corporation (Qwest) has filed a petition for waiver of WAC 480-80-206(3)(a) and (b) and WAC 480-120-193(1)(d).

The relevant WACs state the following:

WAC 480-80-206 Price list availability to customers.

(3) Each telecommunications company offering service under a price list must include in each customer bill or notice:

(a) The Internet address (uniform resource locator) of the website containing its price list; and

(b) The toll-free telephone number to use in requesting price list copies and a statement that there is no charge for the price list copy. If a company is not required by subsection (2) of this section to provide price list copies, it must instead provide the address, telephone number, and business hours of the location within the customer's exchange at which a complete copy of the price list is available for public inspection.

WAC 480-120-193 Posting of tariffs for public inspection and review.

(1) Web, telephone, and mail access. The company must:

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

Discussion:

1. Internet address on each customer notice - Qwest states in its petition that it does not currently include the Internet address on each customer notice as required by WAC 480-80-206(3)(a) and 480-120-193(1)(d). Qwest requests in its petition permanent waiver of this requirement. If permanent waiver were not granted, Qwest would be able to implement this requirement to be effective with any notice distributed as of November 2002.

Staff does not recommend granting permanent waiver of this requirement, because customers will benefit from having access via the Internet to information about the services they receive from Qwest. However, a waiver until November 30, 2002, would provide Qwest with a reasonable opportunity to update its notices.

2. Internet address on each customer bill – Qwest states that it already includes the Internet address on each customer bill, as required by WAC 480-80-206(3)(a) and 380-120-193(1)(d), and is not requesting a waiver of this requirement. However, Qwest provides billing services for many other telecommunications companies that are subject to this rule, and staff is aware that Qwest is unable to include these companies' web site information at this time. Staff understands that Qwest expects each company to seek its own waiver.

While the WUTC could address each company's compliance issues separately, Staff believes that granting a waiver to Qwest would be more efficient. Qwest's billing service is itself a telecommunications service, subject to WUTC jurisdiction.

Staff recommends that the WUTC grant to Qwest a waiver of this requirement until November 30, 2002, for charges appearing on Qwest bills, regardless of the telecommunications company that provides the customer's service.

3. Availability statement on each customer bill - WAC 480-80-206(3)(b) requires that each telecommunications company offering service under a price list include on each customer bill a statement that a copy of the price list is available at no charge. Qwest requests in its petition permanent waiver of this requirement. Qwest believes the information is unlikely to be meaningful to customers, who rarely request price list copies. Qwest also states that it would require modification of bills for approximately 21 telecommunications carriers that subscribe to Qwest billing and collections services. Qwest states in its petition that it could modify its billing systems to include the required statement effective with the November 2002 bill cycle.

Staff recommends a waiver of this requirement until November 30, 2002, rather than the permanent waiver requested by Qwest. Customers need to have ready access to the price lists

pertaining to their services, and a permanent waiver would hinder that access. The waiver should apply to all charges appearing on Qwest bills, regardless of which telecommunications company provides the customer's service.

4. Availability statement on each notice - WAC 480-80-206(3)(b) also requires that the statement of price list availability appear on each customer notice. Qwest seeks permanent waiver of this requirement, citing the number of customer notices involved and the expense of modifying each one.

Staff does not recommend granting permanent waiver of the requirement of a statement on each notice, because customers should be aware of how they can obtain a copy of the price list that contains the terms of service. However, staff believes it would be reasonable to provide Qwest with additional time to modify its billing system. A one-year waiver, until June 30, 2003, will provide Qwest that opportunity.

As a substitute for the information appearing on each bill, Staff recommends that Qwest be required to include this statement in the "consumer bill of rights" publication that it provides customers each year. Staff is also recommending that the statement appear on each customer bill beginning in November 2002.

Staff recommends that the waiver not apply to new notices created during this period or to notices relating to tariff or price list filings. In addition, Qwest should be required to include the required information on any existing notice that is modified during the waiver period.

Conclusion:

Staff recommends that the Commission grant a narrowly-drawn waiver of the new customer information rules so as to give Qwest a reasonable opportunity to incorporate the information into its bills and notices. This can be accomplished by a waiver until November of requirements applying to Qwest's bills. A one-year extension for Qwest's customer notices will give the company time to update those documents. Qwest has suggested that the information is not relevant on some notices, and the one-year extension will give the company an opportunity to identify those notices and propose any rule revisions it believes appropriate.