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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PETITION FOR TEMPORARY WAIVER
OF WAC 480-120-262, OPERATOR
SERVICE PROVIDERS

Docket No. UT-030940
QWEST CORPORATION'S
PETITION FOR TEMPORARY WAIVER

Qwest Corporation ("Qwest") hereby petitions the Washington Utilities and Transportation Commission ("Commission") for a temporary waiver of certain provisions of WAC 480-120-262(3). WAC 480-120-262 was developed through proceedings in Docket No. UT-990146¹ and became effective on July 1, 2003. It contains requirements for Operator Service Providers (OSPs) who are providing operator services from pay phones and other call aggregator locations.

THE RULE

On December 12, 2002, the Commission filed with the Code Reviser General Order No. R-507 which included the newly developed rule regarding Operator Service Providers (OSPs).

As adopted, WAC 480-120-262 subsection (3) reads as follows:

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

¹ *In the Matter of Amending, Adopting and Repealing Chapter 480-120 WAC Relating to Telephone Companies*, Docket UT-990146, General Order No. R-507, Order Amending, Adopting and Repealing Rules Permanently, filed with the Code Reviser's Office December 12, 2002.

1 (a) **Oral rate disclosure message required.** Before an operator-assisted call from
2 a call aggregator location can be connected by an OSP (whether by a presubscribed
3 or other provider), the OSP must first provide an oral rate disclosure message to the
4 consumer. If the charges to the consumer do not exceed the benchmark rate in (f)
5 of this subsection, the oral rate disclosure message must comply with the
6 requirements of (b) of this subsection. In all other instances, the oral rate
7 disclosure message must comply with the requirements of (c) of this subsection.

8 (b) **Rate disclosure method when charges do not exceed benchmark.** The oral
9 rate disclosure message must state that the consumer may receive a rate quote and
10 explain the method of obtaining the quote. The method of obtaining the quote may
11 be by pressing a specific key or keys, but no more than two keys, or by staying on
12 the line. If the consumer follows the directions to obtain the rate quote, the OSP
13 must state all rates and charges that will apply if the consumer completes the call.

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

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18 (f) **Benchmark rates.** An OSP's charges for a particular call exceed the
19 benchmark rate if the sum of all charges, other than taxes and fees required by law
20 to be assessed directly on the consumer, would exceed, for any duration of the call,
21 the sum of fifty cents multiplied by the duration of the call in minutes, plus fifty
22 cents. For example, an OSP's charge would exceed the benchmark rate if any of
23 these conditions were true:

- 24 (i) Charges for a one-minute call exceeded one dollar;
- 25 (ii) Charges for a five-minute call exceeded three dollars; or
- 26 (iii) Charges for a ten-minute call exceeded five dollars and fifty cents.

27 DISCUSSION

28 Qwest seeks a temporary waiver of implementation of WAC 480-120-262(3). This rule
29 requires rate disclosure on all operator assisted calls placed from a pay phone or other aggregator
30 locations if the sum of the operator service provider's charges for an operator assisted call exceed,
31 for any duration of the call, fifty cents per minute plus fifty cents. Specifically, Qwest is
32 requesting a temporary waiver of the rule from the effective date of July 1, 2003 until October 31,
33 2003. Qwest has various operator-assisted rates that may exceed the benchmark covered by the
34 new rule. This temporary waiver will provide additional time to make required billing system
35 changes to allow a per call rate and a per minute rate for operator assisted local and toll calls.
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1 Qwest acknowledges that the Commission delayed the effective date of this rule for
2 companies to come into compliance. In analyzing the financial and system impacts, Qwest
3 believed that billing system changes could be done by July 1, 2003 to change various operator-
4 assisted rates in Washington to introduce a new minutes of use rate element. However, upon
5 further analysis, it was determined that required programming changes were much more extensive
6 than originally envisioned, requiring more time with which to comply with the Commission rule.
7 Qwest intends to come into compliance by developing rate elements that do not exceed the
8 benchmark, thereby avoiding the requirement of oral disclosure of rates.

9 **CONCLUSION**

10 Qwest respectfully seeks a temporary waiver of WAC 480-120-262(3) (c) and (f)
11 pertaining to oral disclosure of rates from the effective date of July 1, 2003 to October 31, 2003,
12 allowing additional time for programming changes to occur, re-notice of Qwest's retail customers,
13 and the appropriate regulatory filing of Qwest's operator-assisted tariff and price listed rate
14 changes.

15 DATED this 24th day of July, 2003.

16 QWEST CORPORATION

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