

**UT-990146**  
**Telco Rulemaking**  
**Draft Rules - Clear of Markings**  
**December 16, 1999**

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

These rules apply to any telecommunications company that furnishes intrastate telecommunications service and facilities to the public subject to the jurisdiction of the commission.

**WAC 480-120-016 Saving clause.**

The commission may impose additional or different requirements on any telecommunications company in response to a complaint or on its own motion. These rules do not relieve any telecommunications company from any of its duties under the laws of the state of Washington.

**WAC 480-120-022 Classification proceedings.**

(1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service.

(2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by order instituting investigation.

(3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its order upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the commission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).

(4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice of the pendency of the classification proceeding. The commission shall determine the manner and distribution of notice.

(5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.

(6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.

(7) Burden of proof. In any classification proceeding, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:

- (a) The number and size of alternative providers of services;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition.

***(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)***

**WAC 480-120-023 Content of petition for classification of competitive telecommunications services and companies.**

In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

- (1) Name and address of the petitioner;
- (2) A description of the services it offers;
- (3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;
- (4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:
  - (a) Descriptions of all services in the petitioner's definition of the relevant market for the service;
  - (b) Names and addresses of all providers of such services known or reasonably knowable to the petitioner;
  - (c) Prices, terms, and conditions under which such services are offered to the extent known or reasonably knowable to the petitioner;
  - (d) A geographical delineation of the relevant market;
  - (e) An estimate of petitioner's market share and any past or projected change in market share;
  - (f) A description of ease of entry into the market;
  - (g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;
  - (h) A verifiable cost of service study supporting the contention that the price or

rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;

(i) The manner by which notice of price list changes will be provided to customers and the commission.

***(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)***

**WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies.**

(1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.

***(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)***

**WAC 480-120-025 Investigations.**

(1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

(2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.

(3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

***(Please comment on the proposal to move this rule to Chapter 121 and what the new language should say.)***

**WAC 480-120-026 Tariffs.**

Companies must file tariffs in accordance with chapter 480-80 WAC - Utilities general - Tariffs, Price Lists, and Contracts.

**WAC 480-120-027 Price lists.**

Companies must file price lists in accordance with chapter 480-80 WAC - Utilities General - Tariffs, Price Lists, and Contracts.

**WAC 480-120-031 Non-competitive companies - Accounting.**

(1) Telecommunications companies are classified by the Commission as follows:

<b>Class</b>	<b>Number of Access Lines as of December 31</b>
A	2% or more of state access lines
B	Less than 2% of state access lines

For example:

Company X access lines as of 12/31/98	33,823
Divided by	_____
Total state access lines as of 12/31/98	3,382,320
Equals company access lines as a percentage of total access lines.	1%

Therefore, company X is a Class B company.

(2) For accounting purposes companies must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32, (47 CFR 32, or Part 32) effective October 1, 1998. Class B companies may use Class A accounting. Companies wishing to adopt changes to the USOA made by the FCC after October 1, 1998, must petition for and receive commission approval.

(3) The commission modifies Part 32 as follows:

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

Transportation Commission.

(b) Companies must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in 480-80-031(2). Companies must maintain subsidiary accounting records for:

- (i) Residential basic local service revenues.
- (ii) Business basic local service revenues.
- (iii) Access revenues for each universal service rate element.
- (iv) Special access revenues.
- (v) IntraLATA switched access revenues for each rate element.
- (vi) InterLATA switched access revenues for each rate element.
- (vii) Inter-company settlements.

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

(i) Companies must record a liability and charge the appropriate expense accounts for sick leave in the year in which the sick leave is used by employees.

(ii) Companies must keep records for:

- (A) compensated absences that are actually paid
- (B) compensated absences that are deductible for federal income tax purposes.

(d) Accounting for Federal Income Taxes. In addition to Part 32 section 22, companies must keep records using the flow-through tax accounting method to the extent permitted by federal tax regulations.

(i) Flow-through tax accounting and normalization tax accounting are terms used in utility regulation to explain how taxes are recorded by utility companies.

(A) Flow-through tax accounting passes the tax benefits to the utility's customer.

(B) Normalization tax accounting passes the tax benefits to the utility.

(e) Companies with multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(f) Part 32 section 32.11(a) is replaced by section (1) above.

(g) Part 32 section 32.11(d) and (e) are replaced by section (1) above.

(h) The commission does not require Part 32 section 32.2000(b)(4).

(4) This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. The accounting rules adopted herein do not dictate intrastate ratemaking. Copies of Part 32 (effective October 1, 1998) are available for examination at the WUTC library.

**WAC 480-120-032 Political information and political education activities.**

(1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.

(2) Political information and political education activities include, but are not limited to:

- (a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.
- (b) Soliciting support for political action committees.
- (c) Gathering data for political mailing lists.
- (d) Soliciting political contributions or recruiting political volunteers.

**WAC 480-120-033 Reporting requirements for competitive telecommunications companies.**

The commission will distribute an annual report form including a regulatory fee form. The company must complete both forms, file them at the commission, and pay its regulatory fee, no later than May 1 of each year. Companies must:

- (a) provide total number of access lines as required on the annual report form;
  - (b) provide, per the annual report form, balance sheet and income statement for total company;
  - (c) provide the results of operations for Washington and Washington intrastate;
- and
- (d) report all information delivery service and blocking service revenues as separate revenue items.

**WAC 480-120-036 Finance--Securities, affiliated interests, transfers of property.**

(1) Before a public service company issues securities, it must file with the commission a statement in accordance with chapter 80.08 RCW and chapter 480-146 WAC.

(2) Before a public service company enters into an arrangement with an affiliated interest, it must file with the commission a verified copy of the contract or arrangement in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

(3) Before a public service company transfers property it must apply for, and obtain, commission approval in accordance with chapter 80.12 RCW and chapter 480-143 WAC.

**WAC 480-120-041 Availability of information.**

(1) Each company must provide to its applicants for service and customers the information needed to obtain adequate and efficient service. At a minimum a company must:

- (a) notify customers of its regular business hours, mailing address, a twenty-four-hour toll-free telephone number, and a twenty-four-hour emergency telephone number at least once a year.

- (b) provide each new applicant for service with current rate information and a consumer brochure detailing the rights and responsibilities of a telecommunications customer. The brochure must include information adequately explaining:

- (i) how customers may establish credit, required deposits, billing delinquent

accounts;

- (ii) when and how the company may discontinue service;
- (iii) how customers may cancel service;
- (iv) how customers may dispute a bill with the company; and
- (v) how customers may seek assistance from the commission by informal or formal complaint.

formal complaint.

(c) notify its customers annually how to obtain the consumer brochure and applicable rate information.

(2) A local exchange company must publish in the directory that it provides to its customers, a consumer information guide detailing the rights and responsibilities of a customer. The guide must describe the:

(a) process for establishing credit and determining the need and amount for deposits;

(b) procedure by which a bill becomes delinquent;

(c) steps that must be taken by the company to disconnect service; and

(d) right of the customer to pursue any dispute with the company:

(i) by procedures within the company; and

(ii) to the commission by informal or formal complaint.

(3) A company must make copies of the following information available to its applicants for service and customers upon request:

(a) Chapter 480-120 WAC, telecommunications rules;

(b) the company's current rates; and

(c) the consumer brochure described in section (3) above.

(4) Upon request, a company must provide a customer a detailed accounting of the calls for which the customer has been billed.

(5) A company must provide the commission with a copy of each pamphlet, brochure, bill message and other information provided to customers.

(6) A company must make the following information available upon request:

(a) the name, address, and telephone number for the intraLATA and interLATA interexchange company to which the customer's account is currently prescribed,

(b) a minimum of one year account history reflecting changes of interexchange company, providing the name, address and telephone number for each interexchange company.

(7) When an applicant for service or customer contacts the company to select or change an interexchange company, the company must recommend that the customer contact the chosen interexchange company to confirm that an account is established and to ensure the customer receives the chosen rate plan.

#### **WAC 480-120-042 Directory service.**

(1) A local exchange company must publish a directory as provided for in section (5) below for each exchange, listing the name, address (unless omission is requested), and telephone number of the customers who can be called in that exchange, except those customers who have a nonlisted or nonpublished telephone number.

(2) Any residential customer may request a dual name primary directory listing

which contains, in addition to the customer's surname, the customer's given name or initials (or combination thereof) and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the customer is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a customer pursuant to tariff provision must also reflect dual name listing if requested by the customer.

(3) Each local exchange company must furnish a copy of any required directory to each of its customers in each exchange. If that directory does not contain listings for all customers who can be called toll-free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage must be furnished to customers upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may charge no more than its actual cost for the directory, plus actual costs of shipping, and \$0.50.

(4) Each local exchange company providing service in an area covered by a directory published pursuant to this rule may request an informational listing of its name and telephone number placed in each directory. Each directory publisher may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between local exchange companies.

(5) Telephone directories will be revised annually, otherwise they must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may be necessary more often than specified to keep the directories correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that:

(a) it is unnecessary to revise the directory within the specified time limit for good cause; or,

(b) due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept.

(6) In the event of an error in the listed number of any customer, the customer's local exchange company must, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, provided it is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another customer. In the event of an error or omission in the name listing of a customer, the customer's correct name and telephone number must be maintained in the files of the directory assistance operator, and the correct number must be furnished to the calling party upon request.

(7) Whenever a customer's telephone number is changed for any reason after a directory is published, the local exchange company must intercept all calls to the former number, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published. The company must provide the calling party the new number for that customer unless the customer has requested that such referral not be made.

(8) When additions or changes to plant or records are scheduled that necessitate a large group of number changes, a minimum of six months' notice must be given to all customers then of record and so affected even though the additions or changes may be



coincidental with the issuance of a new directory.

**WAC 480-120-045 Local calling areas.**

(1) The commission may expand local calling areas only under the most exceptional circumstances. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

(2) In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from the following community services:

- (a) community medical facilities;
- (b) police and fire departments;
- (c) city or town government;
- (d) elementary and secondary schools;
- (e) libraries; and
- (f) a commercial center.

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

(3) Requests for expanded local calling areas must be made pursuant to RCW 80.04.110 (the commission's complaint statute).

**WAC 480-120-046 Service offered.**

(1) Classes of service - each company must file with the commission, as part of its tariff or price list, a comprehensive description of the classes and types of service available to customers.

The classes of service are business and residential.

(2) Types of service. Local exchange companies must offer, at a minimum flat-rate service. They may offer service alternatives, such as measured service.

(3) Grade of service. Local exchange companies must offer only one-party service.

**WAC 480-120-051 Availability of service--Application for and installation of service.**

(1) Application for service may be made verbally, electronically, or in writing. However, a company may require anyone desiring service to make an application in writing on forms prescribed by the company and in accordance with its tariff(s) or price list(s). An application for service must state clearly the service for which application is being made. Application for service is an expression of the applicant's for service willingness to conform to the tariff, price list, or both on file with the commission.

(2) A company must tell an applicant for service the specific date when service will be provided. A company must accept and process applications when received except when the customer fails to comply with WAC 480-80-061. If it becomes apparent that service cannot be supplied when stated, the company must notify the applicant for service promptly, prior to the committed date, and state the reason for the delay.

(3) Each company must maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service, until each order is completed. Applicants for service for which no commitment date is provided must be advised of the status of their applications at least once each month.

(4) When installation of new service orders requires on-premise access by the company, the appointments must specify the time of day of the on-premise installation within a four-hour period.

(5) Each local exchange company must complete orders for local service access lines as follows:

(a) Ninety-five percent of all orders for installation of up to five exchange access lines in any exchange must be completed within five business days of the application when all tariff or price list requirements have been met by the applicant for service or customer.

(b) Ninety-nine percent of all orders for installation of exchange access lines in any exchange must be completed within ninety days after the date of receipt of the application when all tariff or price list requirements have been met by the applicant for service.

(c) One hundred percent of all orders for installation of exchange access lines in any exchange must be completed within one hundred eighty days of the application when all tariff or price list requirements have been met by the applicant for service.

(d) The five-, ninety-, and one hundred eighty-day timelines do not apply when a later installation date is requested by the applicant for service, when customer-provided special equipment is involved, or for access lines in excess of the first five lines installed pursuant to the customer service order.

#### **WAC 480-120-052 Prepaid calling services.**

(1) Prepaid calling services - Defined.

(a) Prepaid calling services (PPCS) means any transaction in which a customer pays for service prior to use and the prepaid account is depleted as a customer uses the service. PPCS may require the use of an access number or authorization code. The transaction often includes an object the size of a credit card that displays relevant information about the service. These objects are defined as prepaid calling cards.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-138.

(i) Credit cards: Cards that are used to make customer purchases using preapproved bank credit (e.g., Visa, MasterCard). Customers using these cards to complete pay telephone calls are charged the applicable coin operator rates on file with

the commission for pay phone provider service at that location.

(ii) Cash equivalent cards may be purchased for exclusive use at card reader pay telephones. The cards may also be used for customer purchases. Customers using cash equivalent cards are charged the applicable coin operator rates on file with the commission for pay phone provider service at that location.

(2) Business office requirements for providers of PPCS. A company offering PPCS must provide customers a toll-free number staffed by live personnel during regular business hours. The personnel must be able to respond to all service-related inquires and must be capable of answering general account related questions. The toll-free business office number may be the same as the technical assistance number required in section (3) below.

(3) Technical assistance requirements when providing PPCS. A company offering PPCS must provide customers a toll-free number staffed by live personnel twenty-four hours a day, seven days a week. The personnel must be able to respond to all inquires and must be capable of assisting customers with technical problems or questions related to their service. The toll-free number for technical assistance may be the same as the business office number required in section (2) above as long as the number is staffed twenty-four hours a day.

(4) Billing requirements for PPCS.

(a) Billing increments must be defined in the company's price list or tariff, and presale document. If a company uses an increment based on a time measurement, the increments must not exceed one minute. If the company bills usage in "unit" measurements, units must clearly be defined using both equivalent dollar amounts and time measurement. Unit billing increments cannot exceed the equivalent one minute rate.

(b) Service may be rated only for the actual time a circuit is open and allowing for conversation. Conversation time of less than a full billing increment must not be rounded up beyond that full increment.

(c) Companies may not reduce the value of a PPCS account by more than the charges specified on the:

(a) prepaid calling card;

(b) prepaid calling card packaging;

(c) visible display at the point of sale;

(d) rates specified in the presale document; or

(e) the rate authorized by the commission at the time the account or card is recharged.

The PPCS may, however, be recharged by the customer at a rate different from that specified in the initial presale agreement or the last recharge information so long as the rates and surcharges conform with the company's tariff or price list at the time of purchase. The customer must be informed of the new rates at the time of recharge.

(d) Companies providing PPCS must be capable of providing customers, upon request, call detail reports at no charge.

(i) Companies may establish verification procedures to confirm the person requesting the call detail was the actual user of the service.

(ii) Call detail reports may be provided verbally to a customer. The company will

only be required to provide a written call detail report at no charge if the user requests the information in writing.

(e) Companies providing PPCS must maintain call data for a minimum of thirty months. The data must include the following:

(i) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(ii) The number of the originating phone when the information is passed to the prepaid calling provider;

(iii) The date and time the call was originated;

(iv) The duration or termination time of the call;

(v) The called number; and

(vi) The personal identification number (PIN) or account number, or both.

(5) Written disclosure requirements for PPCS - Prepaid calling cards.

(a) Information required on prepaid calling cards. At a minimum the cards must contain the following information:

(i) The company's name as registered with the commission. A "doing business as" name may be used only if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without-charge number to reach the company's business office;

(iii) The toll-free or without-charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without-charge number used to access the company's service, if applicable;

(v) Authorization code, if required to access the service or, if applicable, the toll-free number user is required to call to establish access capability;

(vi) Expiration date, if applicable. If a card expires after a set period of time from activation, (e.g., ninety days after first use) the company must place a general statement on the card outlining this expiration policy. If an expiration date or expiration policy is not disclosed on the card, it will be considered live indefinitely; and

(vii) Cards must be voided or otherwise physically marked if they were produced as a "nonlive" card so that it is clear to the user that the card is only a sample and is not active. If the card is not disclosed as a nonoperative card, the card is considered live and the issuing company must honor it.

(b) Prepaid calling card - Presale or point of sale documents. The following information must be legibly printed on the card, packaging, or displayed visibly in a prominent area at the point of sale of the prepaid calling card in such a manner that the customer may make an informed decision prior to purchase. If the information below is to be displayed at the point of sale, the company must ensure by contract with its retailers or distributors that the information is provided to the customer:

(i) Maximum charge per billing increment for prepaid calling card service. If a company charges varying rates for intrastate and interstate calls, all applicable rates must be provided. The rates displayed must be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(ii) Approved charges for all services, and surcharges, fees, and taxes, if

applicable, and the method of application;

(iii) Expiration policy, if applicable. If an expiration date is not disclosed, the service will be considered live until the prepaid balance is depleted;

(iv) Recharge policy, if applicable. If an expiration date is not disclosed at the time service is recharged, the service will be considered live indefinitely.

(6) Written disclosure requirement for prepaid calling service - Other than prepaid calling cards. Presale agreement. The following information must be provided in a presale document to an applicant for service prior to customer prepayment and initiation of service:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without-charge number to reach the company's business office;

(iii) The toll-free or without-charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without-charge number used to access the company's network, if applicable;

(v) Authorization code, if required to access the service;

(vi) Maximum charge per billing increment for PPCS. If a company charges varying rates for intrastate and interstate calls, all applicable rates must be provided. The rates displayed must be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(vii) Approved charges for all services, and surcharges, fees, and taxes if applicable, and the method of application;

(viii) Expiration date, if applicable;

(ix) Recharge policy, if applicable.

(7) Verbal disclosure requirements for PPCS.

(a) Companies offering PPCS must:

(i) Provide an announcement at the beginning of each call indicating the time remaining on the prepaid account or prepaid calling card;

(ii) Provide an announcement when the prepaid account or prepaid calling card balance is about to be depleted. This announcement must be made at least one minute prior to depletion;

(iii) When requested by a Washington state customer, the company's business office and technical assistance office must provide the customer the number for the Washington utilities and transportation commission consumer services line; and

(iv) Company supervisory personnel must provide dissatisfied applicants for service or customers the commission's toll-free number and address conforming with WAC 480-120-101.

(8) Requirements for refund of unused balances.

(a) When a company has failed to provide service at rates provided in presale documentation or quoted at the time an account is recharged, or the company has failed to meet technical standards, companies offering PPCS must provide refunds for any unused service or provide equivalent credit in services offered when requested by a

customer. Refunds must equal the value remaining on the prepaid calling account or prepaid card. The customer is allowed to choose either the refund or equivalent service option.

(b) Refund requests received from customers for reasons other than improper rates or failure to meet technical standards may be made at the sole discretion of and in a form prescribed by the company.

(9) Performance standards for PPCS. Each company must ensure that:

(a) A minimum of ninety-eight percent of all call attempts are completed to the called party's number. Station busies and unanswered calls will be considered completed calls.

(b) A minimum of ninety-eight percent of all call attempts are completed to a company's business office number. Station busies and unanswered calls will not be counted as completed calls.

(c) A minimum of ninety-eight percent of all call attempts are completed to the company's technical assistance number. Station busies and unanswered calls will not be counted as completed calls.

(10) Requirements when a company ceases operations in the state of Washington. When a company ceases operations in the state, the company must:

(a) Provide the commission with thirty days advance notice in writing.

(b) At least twenty-one days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending, and explain how customers may receive a refund on any unused service.

(c) Beginning at least fifteen days before termination, provide verbal notice of termination at the beginning of each call originated in Washington, including the date of termination and a number to call for more information.

(d) Provide information to customers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days from the date company ceases operations.

(e) Within twenty-four hours after ceasing operations, provide the commission and the company's bonding agent a list of all account numbers with unused balances. The list must include the following:

(i) The identification number used by the company on each account for billing or debit purposes;

(ii) The unused portion of any prepaid monthly fee on each account;

(iii) The unused time, stated in units or minutes as applicable on each account and the equivalent dollar amount.

(11) Compliance requirements for PPCS.

(a) Printed materials including prepaid calling cards, presale documents, and point of sale documents.

(i) All materials printed ninety days after the effective date of the rule must comply with provisions of this rule;

(ii) All printed materials in circulation must comply with this rule within nine months of the effective date of this rule.

(b) Rules requirements - excluding printed material. Companies providing PPCS

within the state of Washington must be in compliance with this rule within ninety days of the effective date of this rule.

(12) Other regulatory requirements. Companies providing PPCS must comply with all other laws and commission rules relating to provision of telecommunications services unless the company has filed for and received waiver from the commission.

(13) Penalties for provision of service by an unregistered telecommunications company. Upon finding that an unregistered company has provided PPCS within the state of Washington, the commission may assess penalties of up to one hundred dollars per day per violation under RCW 80.04.405 or up to one thousand dollars per day per violation under RCW 80.04.380, or both.

**WAC 480-120-056 Establishment of credit.**

(1) Deposit criteria for residential applicants for service and customers - Local exchange company services. A local exchange company may not collect a security deposit from an applicant for service or customer who can demonstrate satisfactory credit.

Satisfactory credit means that the applicant for service or customer has had service with the company within the prior twelve months during which:

(a) the applicant for service or customer received no more than three delinquency notices, or

(b) the applicant's for service or customer's service of a similar class was not disconnected for nonpayment.

(2) The company may not collect a deposit from an applicant for service who:

(a) can demonstrate established credit as provided for in section (1) with another company offering the same class of service. Upon request, companies within the state of Washington must provide applicants for service or customers confirmation of their payment history for the previous twelve-month period. Written confirmation may be provided to either the customer or directly to the company from which service is requested. Verbal confirmation must be provided directly to the company from which service is requested. The criteria used for the confirmation must be the same as provided for in section (1)(a) above;

(b) can demonstrate full-time consecutive employment during the prior twelve months with no more than two employers, and the applicant for service is currently employed or has a regular source of income; or

(c) owns or is purchasing the premises to be served. The applicant for service must provide a legal description or other means whereby the company can confirm the information.

(3) A local exchange company having authority under its tariff or price list may collect a deposit from an applicant for service or customer when:

(a) there is a prior customer living at the residence who owes a past due bill to the company from the same address; or

(b) the applicant for service or customer has an unpaid, overdue balance owing to a company for the same class of service.

(4) Deposit criteria for residential applicants for service and customers - interexchange services. An interexchange company having authority to collect deposits

under its tariff or price list may require a residential applicant for service or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(5) Deposit criteria for nonresidential applicants for service or customers - Local exchange service and interexchange services. A company that has authority under its tariff or price list may require business applicants for service or customers to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(6) Required deposit amounts for an applicant for service or customer may not exceed:

(a) for nonresidential service, two-twelfths of estimated annual billings.

(b) for residential service, two months customary use for applicants for service or customers with previous verifiable service or two months estimated usage for applicants for service or customers without previous verifiable service. Customary use is calculated using charges for the previous three months service.

(i) Customers whose toll charges exceed thirty dollars, or whose toll charges exceed customary use over the previous six months by twenty dollars or twenty percent, whichever is greater, may be required, upon written or verbal notice to the customer, to make payment of either of the following in the customer's election, before the close of the next business day following receipt of the notice:

(A) full payment of the outstanding toll charges specified in the notice; or all toll charges accrued to the time of payment providing the customer has been notified of liability for toll charges in addition to those charges specified in the notice that come to the attention of the company between the time of notice and payment; or,

(B) payment of a new or additional deposit in light of the customer's actual use based on two months' customary use.

(7) Deposit payment arrangements. When an applicant for service or customer is required to pay a deposit but is unable to pay the entire amount in advance of connection or continuation of service, the company must allow the applicant for service or customer to pay:

(a) Basic local exchange service (dial tone). Fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months.

(i) Ancillary local exchange services. A company is not required to allow extended payment on ancillary local exchange services (e.g., custom calling services, caller i.d.). A company may require an applicant for service or customer to pay a deposit equal to two months charges prior to providing or continuing ancillary services.

(b) Interexchange services. Fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months.

(8) Alternative to deposit. A residential customer or applicant for service who is unable to establish credit or required to pay a deposit as provided above, must be allowed, as an alternative to paying a deposit to:

(a) furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit that may be



required until satisfactory credit is established. The company may require that the guarantor reside in the state of Washington and currently have service with the company requesting the deposit.

(b) where technically feasible, accept a toll restricted access line in lieu of payment of the deposit until satisfactory credit is established as provided for above, or until a deposit is received.

(i) a toll-restricted line must provide access to 911.

(ii) toll restriction must be provided at no charge when provided as an alternative to payment of a deposit.

(9) Transfer of deposit. When a customer moves to a new address within the company's service territory, the deposit, plus accrued interest must be transferred or refunded, less outstanding past-due balance owing from the previous address.

(10) Requests for new or additional deposit on existing accounts. When requesting a deposit or additional deposit amount after establishment of service, the reasons must be specified in writing to the customer. A request for a deposit or additional deposit amount must comply with the standards outlined in this rule. If the previous deposit amount was secured through a guarantor, the company may not hold the guarantor responsible for the additional deposit amount without first securing a revised agreement.

(11) Deposit payment date. A deposit or additional deposit amount requested, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside the state of Washington. If the company delivers the notice in person to the customer, the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

(12) Interest on deposits must accrue at a rate based upon a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest will be computed from the time of deposit to the time of refund or total application of the deposit and will be compounded annually.

(13) Refund of deposit. Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment is established when the customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) the company has not disconnected service for nonpayment; and

(ii) the company has sent no more than three delinquency notices to the customer.

(b) Termination of service. Upon termination of service, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company from the customer for service rendered on the telephone account for which the deposit was collected.

(c) Change in service provider. Customers may request a refund of the monies

being held to secure accounts when they transfer a portion or all of their service to a company that is not authorized by the commission to collect deposits.

(14) How deposits are refunded. Deposits plus accrued interest must be refunded to the customer within fifteen calendar days following completion of twelve months satisfactory payment or fifteen days from the termination date. The refund must be in the form of a check and mailed to the customer or, if the customer requests;

(a) made available to the customer at the company's listed business office; or

(b) applied to the customer's account for service beginning in the thirteenth month.

**WAC 480-120-057 Deposit or security-- resellers.**

(1) Establishment of. A reseller may establish credit by meeting the requirements of (a) or (b) and including the provisions of section (4) below:

(a) Corporate debt rating. The reseller or, if the reseller is unable to comply with this provision, its parent or affiliated company, has undertaken to guarantee the payment of all charges incurred by the subscribing reseller, has a Standard and Poor's corporate debt rating of BBB or higher, or a Moody's corporate debt rating of Baa or higher, with respect to any outstanding general debt obligation; or

(b) When the reseller has demonstrated to the company, through the bimonthly provision of certified financial statements, the following financial criteria:

(i) A positive cash flow from total company operations over the past twelve months.

(ii) A minimum level of net worth at least equivalent to the deposit that would otherwise be required.

(iii) A current ratio (current assets-to-current liabilities) of 1.1 to 1 or a debt-to-equity ratio of 1.8 to 1.

(iv) A minimum accounts receivable turnover ratio (annual sales divided by average accounts receivable) of four over the prior twelve months.

(2) Deposits or security requirements are required from a reseller when:

(a) Within twelve months prior to the application the reseller's service is disconnected for failure to pay:

(i) amounts owing, when due; or

(ii) the reseller has an unpaid balance for service owing to the company from which the application is made; or

(iii) two or more delinquency notices are served upon the reseller by any company during the twelve months prior to the application for service; or

(iv) no delinquency notice based upon any bill or charge that is in dispute, whether prior to or subsequent to the effective date of this rule, will be considered grounds for requiring a deposit or security.

(b) A reseller is initially provided service without a deposit or security on the basis of credit information supplied to the company that is incorrect or cannot be verified by the company and the reseller otherwise would have been required to make a deposit or security; or

(c) A reseller has on two or more occasions in the previous twelve months

tendered payment of due amounts with checks that have been dishonored; or

(d) Any new or additional deposit or security required under authority of these rules, except as elsewhere provided in these rules, is due and payable on the sixth business day after written notice of the deposit requirements is mailed to the customer; or if personal service is elected, by 5:00 p.m. of the first business day following notification.

(3) Deposits or security may consist of cash, letters of credit, surety bonds, or any combination thereof.

(4) Amount of deposit or security.

(a) When a deposit or security is required by the company, the deposit or security must be equal to two months' of estimated billings. If past service has been provided within the last twelve months, the estimated billing must be calculated based upon the average monthly billings over the most recent three months. Such a calculation is subject to revision based upon changes in the average of the past months' billings.

(b) Resellers whose billings exceed the estimated amount by ten percent may be required to make, upon written or verbal notice, payment of either of the following at the reseller's election, before the close of the next business day following receipt of the notice:

(i) Full payment of the charges specified in the notice; or all charges accrued to the time of payment provided the reseller has been notified that it is liable for charges in addition to those charges specified in the notice; or,

(ii) Payment of a new or additional deposit or security in light of the reseller's actual use based on an estimated two months' billing.

(c) If the notice is mailed, receipt may be presumed on the fourth business day following the mailing date.

(5) Application of deposit or security. When an account of a reseller is delinquent, the deposit or security may be applied by the company toward satisfaction of the past-due amount before disconnection is effected. Written notice of the application must be furnished promptly to the reseller. If an amount of deposit or security is applied toward satisfaction of any past-due amount, the company may require an additional deposit or security in the amount applied and, if applicable, payment of any past-due amounts still owing after application of the deposit or security. Application of a deposit or security will not prevent disconnection of service for failure by the reseller to pay any past-due amounts which may remain outstanding. However, the company may not disconnect service or apply security or deposit on amounts that are in dispute.

(6) Interest on deposits. Interest on deposits must conform to the guidelines set forth in WAC 480-120-056(12).

(7) Refund of deposit or security must be made under the following circumstances and in the following form:

(a) Establishment of credit. Any deposit or security must be refunded when the reseller has established credit as outlined in section (1)(a) or (b) above.

(b) Termination of service. Upon termination of service, the company must return to the reseller the security or the amount on deposit plus accrued interest, less

any amounts due the company by the reseller for service rendered.

(8) If a larger or new deposit or security is required, the company must specify its reasons in writing to the reseller. Any requirement for a new or larger deposit or security must conform to the standards set forth in this rule.

(9) Alternative to deposit or security. A reseller that does not satisfy the criteria in section (1) may choose to pay for services in advance, in which case the requirement for deposit or security will not apply.

(a) Prepayment amount. A reseller may prepay an initial amount equal to the most recent month's billings. If the reseller has no billing history, the prepayment amount must be equal to an estimate made by the company of the charges that the reseller will incur in the following month. This amount will be due on the first business day of the month to which it will apply.

(b) The company must hold the reseller's prepaid amounts in an interest-bearing account, with interest accruing to the benefit of the reseller.

(c) Application of prepayment. The company must apply funds held in the prepayment account to bills incurred by the reseller as they are issued during the month.

(d) Adjustments to prepayment amount. If the cumulative amount billed to the reseller during any month exceeds the amount of prepayment, the reseller must, by the fifth business day of the following month, remit to the company the amount by which the actual billed amount has exceeded the prepaid amount. If the cumulative amount billed is less than the amount of the monthly prepayment, the company must, by the fifth business day of the following month, refund the excess amount, or make appropriate adjustment to the prepayment amount for the current month. If actual billings for any month deviate from the prepaid amount by five percent or more, the prepayment for the ensuing months must be adjusted to the level of the prior month's billing. If, during any month, the reseller adds additional services estimated to exceed the monthly prepaid amount by more than ten percent, the company may require the reseller to remit an additional prepayment amount by the fifth business day following receipt of written or verbal notice from the company.

(e) Transition period. A reseller electing to pay for services in advance may retire any outstanding obligations prior to the first month in which prepayment is used by executing and fulfilling the terms of a promissory note for the retirement of that debt, interest free, in not more than three equal monthly installments. The reseller may not be required to make arrangements on any amounts in dispute.

(f) Disconnection. If a reseller chooses to pay for services in advance but fails to satisfy the obligations under this section, the company may discontinue service to the reseller no sooner than two business days following verbal notice of intent to discontinue service.

**WAC 480-120-058 Protection of customer prepayments.** (1) A company that intends to collect customer prepayments must first demonstrate to the commission that it meets the criteria set forth in section (a), (b), or (c).

(a) The company has a Standard & Poor's corporate debt rating of BBB or

higher, or a Moody's corporate debt rating of Baa or higher, with respect to outstanding debt obligation; or

(b) The company has a performance bond sufficient to cover any customer prepayments and satisfactory to the commission; or

(c) The company has made provision for deposit of customer prepayments in a federally insured interest-bearing trust account maintained by applicant for service solely for customer advances. The prepayments must be deposited in a bank, savings and loan association, mutual savings bank, or licensed escrow agent, with access to such funds only for the purpose of refunding prepayments to customers. The funds must be maintained in an account within the state of Washington. In any order granting certification, the commission may require either bond or trust account or escrow as a condition of certification.

(2) Reporting requirements for every bond or trust account.

(a) Each company collecting customer prepayments must submit to the commission a report within fifteen days after the end of each calendar quarter. The report must contain the following information specific to state of Washington operations:

(i) Total outstanding balance of customer prepayments at the beginning of the reporting period;

(ii) Dollar amount of prepaid services sold during the reporting period;

(iii) Depleted usage of prepaid services during the reporting period; and

(iv) Total outstanding prepaid service balances at the end of the reporting period.

(b) Nothing in this rule precludes the commission from requesting current company financial or operating information at any time.

(c) A company may petition the commission for a reduction in reporting requirements. The commission may grant or deny the request by letter from the commission secretary.

(3) Calculation of trust or bond levels.

(a) The initial level of the bond or trust must comply with the provisions of section (1)(b) or (c).

(b) The company must adjust the subsequent level of the bond or trust based upon quarterly reports data and the company must notify the commission of that adjustment.

(4) A company may petition for, and the commission may grant, waiver of the bond or trust requirement either at the time of registration or when the company can demonstrate to the commission's satisfaction that it meets standards for waiver of the bond or trust requirement. The petitioning company must provide documentation in support of the petition. The commission may grant or deny the request by letter from the commission secretary. The commission will evaluate the following to determine whether a waiver of the bond or trust requirement will be granted:

(a) Certified financial statements establishing adequate financial resources sufficient to provide service to customers of prepaid telecommunications service;

(b) Confirmation that the company is authorized to provide, and has been providing, comparable services satisfactorily in one or more other states. The documentation must consist of information from the regulatory agency in the other state and must demonstrate that the company has complied with that state's rules and

regulations and has provided adequate levels of service for twelve consecutive months;

(c) Compliance, following registration with the commission, with Washington rules and provision of adequate levels of service for at least twelve consecutive months;

(d) Documentation that the company has established a bond rating as provided for in section (1)(a) above; or

(e) Other evidence demonstrating that customer interests will be adequately protected.

**WAC 480-120-061 Refusal of service.**

(1) A company may refuse to connect with or provide service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant for service has not complied with state, county, or municipal codes or other regulations concerning the provision of such service.

(2) A company may refuse to serve an applicant for service or a customer if the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A company is not required to connect with or provide service to an applicant for service until it can secure all necessary rights-of-way, easements, and permits. The company must make every effort to secure rights-of-way, easements, and permits. An applicant for service or customer requesting service that requires the use of private rights-of-way or private easements may be refused service until the applicant for service or customer provides proof satisfactory to the company that the necessary rights-of-way or easements has been obtained.

(4) A company may deny service to an applicant for service or customer because of an overdue, unpaid prior obligation owed to the company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory to the company are made, provided that an overdue or unpaid obligation to an information delivery service provider will not be grounds for denial of service.

(a) Only on an initial occurrence is a non-telecommunications company applicant for service entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation owed to the company.

(b) The company must allow a minimum of six months for the prior obligation. A prior obligation is an:

(i) amount owed to a local exchange company or an interexchange company at the time a customer's local service is physically disconnected for nonpayment, or:

(ii) amount owed to an interexchange company at the time the company physically restricts a customer's access to toll service for nonpayment.

(c) If an applicant for service is entitled to the payment arrangement provided for in this section, service must be restored upon payment of the first installment, and if applicable, the first half of a deposit as provided for in WAC 480-120-056.

(d) If an applicant for service or customer defaults on a payment agreement such default will constitute grounds for discontinuance of service or toll restriction under the provisions of WAC 480-120-081. A company may offer a payment agreement at any time if deemed appropriate by the company.

(5) A company may deny service to an applicant for service or customer at an address where a former customer is known to reside and has an overdue, unpaid prior obligation to the same company for the same class of service at that address until the obligation is paid or if applicable satisfactory arrangements are made as provided for in section (4) above.

(6) A company may deny service to an applicant for service or customer who is unable to establish credit until any proper deposit is paid in full, or in part, or an alternative service option as provided for in WAC 480-120-056 has been selected by the applicant for service or customer.

(7) If a company has evidence that an applicant for service or customer intends to defraud or avoid payment of a prior obligation, the company may deny installation or continuation of service to any applicant for service or customer until verifiable identification is provided. For purposes of this rule, verifiable identification means a valid picture identification. A company may deny installation or continuation of service for failure to provide verifiable identification only if the company's procedure for verifying identification is at no cost to the applicant for service or customer. A customer who must present verifiable identification must be able to present such identification at the company's business offices or payment agencies. Refusal by an applicant for service or customer to provide a social security number is not considered intent to defraud and therefore companies may not require verifiable identification based on such refusal.

(8) A company may deny installation or continuation of service to an applicant for service or customer shown to have obtained or retained service from the company by fraudulent means, including but not limited to:

- (a) false statements of credit references or employment;
- (b) false statement of premise address;
- (c) use of an alias or false name with intent to deceive;
- (d) rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons: or
- (e) any other similar fraudulent devices.

(9) A local exchange company must deny service to a nonregistered company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Companies requesting service from a local exchange company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.

(10) Number portability. Under no circumstances may a company refuse to disconnect or release a customer's telephone number to another company.

#### **WAC 480-120-066 Contract for service.**

Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

***(Please comment on the proposal to move this rule and what the new language should say.)***

**WAC ~~480-120-076~~ Underground.**

~~Each telephone utility shall set forth in its tariff its conditions for providing underground facilities.~~

**WAC 480-120-081 Discontinuance of service.**

(1) Customer requested: Customers who request service be discontinued must notify the company of the date service is to be discontinued. The company must complete the disconnection no later than the day following the requested disconnection date. If applicable, the telephone number must be released and made available to the customer's new company of choice within the stated time frame above.

(a) The customer is not responsible for any local service charges after the requested date for disconnection. Customers will be responsible for toll charges placed after the requested disconnection date only when the company can prove that the toll calls were made by the customer of record.

(b) If the customer moves from the service address and fails to request discontinuance of service, the customer must continue to pay for service taken at that service address until the company can either confirm that the customer has vacated the premise or that a new party has taken responsibility for the service.

(c) A customer's service will be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A customer is entitled to the same type of service at the new premises unless precluded by the tariff or price list of the company.

(2) Company-directed without notice or without further notice: A company may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, it determines the customer has tampered with the company's property or has used service through an illegal connection;

(b) After conducting a thorough investigation, it determines the customer has vacated the premises;

(c) A customer in response to a delinquency notice as described in section (5) below, pays the delinquent balance with a check or electronic payment that is subsequently dishonored by the bank or other financial institution;

(d) The customer fails to keep payment arrangements agreed upon in response to a delinquency notice as described in section (5);



(e) After conducting a thorough investigation, it discovers that a customer has obtained service fraudulently. The company has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient fund check or electronic payment will not be considered fraud.

(i) First occurrence: The company may disconnect service without notice when it discovers fraud, unless the customer immediately pays:

(A) If applicable, the tariff rate for service that the company estimates was taken fraudulently;

(B) All company costs resulting from the fraudulent use;

(C) Any applicable deposit that may be required under WAC 480-120-056;

and

(D) Payment in full of all delinquent balances owed to the company by the customer. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-061(4) when it can demonstrate that a customer obtained service through fraudulent means in order to avoid payment of a delinquent amount owed to that company. Once payment of the delinquent balance associated with the fraudulent activity is satisfied, a company may not refuse a customer the right to six-month arrangements if the customer has not already exercised that right.

(ii) Second occurrence: The company may disconnect service without notice when, after thorough investigation, it identifies a second instance of fraud. The company may refuse to reconnect service to a customer who has been disconnected twice for fraud, subject to appeal to the commission.

(3) Company-directed with notice: After properly notifying the customer, as explained in sections (5) and (6) below, the company may discontinue service under any of the following conditions:

(a) For nonpayment of any regulated charges, including deposit, as provided in the tariff or price list of the company. Nonpayment of charges billed by the company on behalf of an information delivery service provider will not be grounds for discontinuance of service in whole or in part. Nonpayment of interexchange service charges will not be grounds for disconnection of local service. However, the company may toll restrict a customer's service for nonpayment of regulated interexchange service charges. Disputed third-party billed charges will not be grounds for disconnection of service in whole or in part.

(b) For violation of rules, service agreements, filed tariff(s), or price list(s).

(c) After conducting a thorough investigation, it determines that there is unlawful use of service or use of service for unlawful purposes by the customer.

(d) For use of customer equipment that adversely affects the company's service to its other customers.

(4) A company may use the following methods to disconnect a customer's service:

(a) Disconnect local dial tone and access to long distance services;

(b) Toll restriction that limits long distance access but allows local and emergency access. The company may not charge monthly fees for toll restriction; or

(c) Partial disconnect that restricts service to either incoming or outgoing service

capability. In case of a partial disconnection, the customer must be notified of the restricted usage.

(5) Upon any complete disconnection of telephone service to a customer, charges for service will be discontinued as of the date of the disconnection.

(6) Medical Emergencies - When a local exchange company has cause to disconnect residential local service and has provided notice as required under section (5) or has disconnected a residential service, it must postpone disconnection or must reinstate local service within four hours for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. When service is reinstated under this section, the local exchange company will not require payment of a reconnection charge or deposit prior to reinstating service but will bill at a later date.

(a) The local exchange company may require that the customer submit, within five business days, written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. The written information a company may request is limited to:

- (i) Residence location;
- (ii) An explanation of how the current medical condition will be aggravated by the disconnection of local service;
- (iii) A statement of how long the condition is expected to last; and
- (iv) The title, signature and telephone number of the person certifying the condition.

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist, but no longer than 60 days unless renewed.

(c) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period:

- (i) Pay a minimum of twenty-five percent of the delinquent local exchange service balance;
- (ii) Enter into an agreement to pay the remaining delinquent balance within ninety days; and
- (iii) Agree to pay subsequent bills when due.

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

(d) If, within the five-day grace period the customer fails to provide acceptable medical certificate or fails to pay twenty-five percent of the delinquent balance, the company may disconnect local service without further notice.

(e) If the customer fails to abide by the terms of the payment agreement, service

may be disconnected without further notice.

(7) Disconnection notification requirements - The company must notify customers before disconnecting their service except as described in section (2) above. Notification consists of the following requirements:

(a) Each company must provide a written disconnection notice to the customer either by mail or by personal delivery to the customer's address. Delivered notice will be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the customer. If no person is available to receive notice, notice will be deemed served if attached to the primary door of the residence unit or business office at which service is provided. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;

(ii) All relevant information about the disconnection action including the amount owing and how to correct the problem;

(iii) All relevant information about any charges that may be assessed; and

(iv) The company's name, address, and toll-free telephone number by which the customer may contact the company to discuss the pending disconnection of service.

(v) If the company disconnection procedure does not result in actual restriction of its service but rather removal from a calling plan and placement of the account on casual use dialing, the notice must notify the customer that they will not notice a physical interruption of service but that their rates will increase. The notice must specify the rate at which the customer will be billed under the suspension of the calling plan or the notice will be void and the company must re-rate the calls to the prior calling plan rate. The notice must further indicate that a customer has the right to change to another long distance company.

(b) If the company discovers the information provided on the notice is inaccurate, the company must issue another notice to the customer as described in section 5(a).

(c) In addition to the notice required under section 5(a), the company must provide a second notice by one of the three options listed below:

(i) Delivered notice - Delivered notice will be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the customer. If no person is available to receive notice, notice will be deemed served if attached to the primary door of the residence unit or business office at which service is provided. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery; or

(ii) Mailed notice - the notice sent by the company may not include a scheduled disconnection date that is earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six business days if mailed from outside the state of Washington. The date of mailing will not be considered the first day of the notice period; or

(iii) Telephone notice - The company must attempt at least two times to contact

the customer during regular business hours. If the company is unable to reach the customer, the company will attempt to contact the customer using any business or message number provided. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the company is unable to reach the customer by telephone, a written notice as provided for in section (c)(i) or (c)(ii) must be provided to the customer prior to disconnection of service.

(d) If the company has not disconnected service within ten business days of the disconnection date stated in section (5)(a)(i), the disconnection notice will be considered void unless the customer and the company have agreed upon a payment arrangement. Upon a void notice, the company must provide new disconnection notice to the customer as provided for in section (5)(a) and (b).

(e) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or the following day.

(f) A company representative dispatched to disconnect service must accept payment of a delinquent account at the service address if paid in cash, but is not required to give change for cash paid in excess of the amount due and owing. The company must credit any over-payment to the customer's account. When disconnection does not take place due to payment or payment arrangements made by the customer with the company representative, the company may assess a fee for the disconnection visit to the service address if provided for in the company's tariff or price list. Notice of the amount of such fee, if any, must be provided in the notice of disconnection.

(g) When the company has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants at the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, a minimum period of five business days must be allowed to permit the service users to arrange for continued service.

(h) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the secretary, Washington state department of social and health services, as well as to the customer. Upon request from the secretary or a designee, a delay in disconnection of no less than five business days from the date of notice must be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(8) Remedy and appeals - Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules or while engaged in discussions with the company's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing danger to health, safety, or property must be corrected. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

(a) The company may, upon authorization from the commission, disconnect service, as defined in section (3)(a) above, when a customer's toll charges substantially exceed the amount of any deposit or customary use, and when it appears the customer

may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(9) Payment at a payment agency - Payment of any past-due amounts to a designated payment agency of the company constitutes payment when the customer informs the company of the payment and the company verifies the payment.

**WAC 480-120-087 Telephone solicitation.**

(1) Local Exchange companies must notify their customers of their rights under RCW 80.36.390 with respect to telephone solicitation. Companies must provide notice by annual bill inserts mailed to residential customers or conspicuous publication of the notice in the consumer information pages of local telephone directories. The notice must clearly inform customers of their rights under the law and must, at a minimum, include the following information:

(a) For purposes of this section a solicitor is the representative of a commercial or nonprofit company or organization that initiates an unsolicited telephone call to a residential customer for the purpose of encouraging that person to purchase property, goods, services or soliciting donations of money, property, goods or services. Under Washington law residential customers have the right to keep telephone solicitors from calling back.

(b) The law requires solicitors to identify themselves, their company or organization, and the purpose of the call within the first thirty seconds. If at any time during the conversation the customer indicates that they do not want to be called again or want to have their name and telephone number removed from the calling list, the company or organization may not have a solicitor call the customer for at least one year and may not sell or give the customer's name and telephone number to another company or organization.

(c) The attorney general's office is authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual may also recover court and attorney's fees. To file a complaint, or request more information on the law, contact the Fair Practices Division of the Attorney General's Office. When a customer files a complaint, as much information as possible about the name and address of the individual, business, group, or organization, the time the calls were received, and the nature of the calls should be included.

**WAC 480-120-088 Automatic dialing-announcing devices.**

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

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

- (3) Use of an ADAD is permitted only under the following circumstances:
- (a) Commercial solicitation
    - (i) When the party initiating the call has received prior acknowledgment from the called party of the called party's desire to receive such telephone communication and the ADAD call complies with section (4); or
    - (ii) If the recorded message is preceded by an announcement made by a human operator. The announcement must contain the information provided in section (4).
  - (b) non-commercial solicitation.
  - (c) emergency services that comply with section (5).
- (4) Recorded messages and human announcement must:
- (a) state the nature and length in minutes of the recorded message;
  - (b) state the caller and the individual, business, group, or organization for whom the call is being made;
  - (c) provide a telephone number to which a return call can be placed;
  - (d) automatically disconnect the telephone connection within two seconds after the called party hangs up the receiver or indicates to the human operator they are not willing to listen to the recorded message.
- (5) An emergency ADAD may be connected to the telephone network only under the following conditions:
- (a) the ADAD is equipped with sensors that will react to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.
  - (b) the ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.
  - (c) the ADAD provides for disconnection within two seconds when the called party performs a predetermined function.
  - (d) the ADAD satisfies applicable state safety requirements.
  - (e) the user registers the instrument with and receives written approval for its use from the emergency services provider to which an automatic call would be directed, and secures from the emergency services provider an approved telephone number or numbers to be programmed into the instrument: Provided that the user will not program the instrument to dial law enforcement or 911 emergency response numbers.
- (6) ADADs are prohibited from dialing unlisted telephone numbers and from dialing designated public service emergency telephone numbers as listed in published telephone directories. Except for an ADAD designed to deliver a message in response to an emergency situation as specified in section (5), no ADAD will be connected to the network unless the customer furnishes that company with written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, and to any telephone number or series of numbers that are on a current or future list of telephone customers who are designated by statute or regulation as customers who are not to receive ADAD calls.
- (7) All ADADs are prohibited from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designated to deliver a message in

response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone customer prior to using the ADAD to dial such emergency services provider or customer.

(8) No ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, connected to the telephone network, may operate until the potential user of the ADAD notifies the company, in writing, of the intended use of the ADAD equipment. The written notice must include a statement of the calendar days and clock hours during which the ADADs will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message.

(9) Each company must maintain records of all ADAD equipment connected to its facilities, and if requested by the commission provide details regarding the individual business, group, or organization operating such ADADs, their address and associated telephone number.

(10) The company must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities. If the company finds that a reasonable probability exists that the ADAD operation will overload its network, the company may refuse to provide connections for the ADADs or provide them subject to conditions necessary to prevent an overload. If, after service has been established, the company determines that the volume of calling originated by the ADAD is degrading the service furnished to others, the company may suspend or terminate the service after five days' written notice to the customer. If use of the ADAD overloads a company's switching office, the company may suspend or terminate the service without prior notice.

(11) The customer who uses ADAD equipment must notify the company in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(12) A company must suspend or terminate the telephone service of any customer when the company becomes aware of the fact that the customer is using an ADAD in violation of the provisions of this rule provided that:

- (a) The customer is given eight business days' notice; or,
- (b) With no prior notice if use of the ADAD creates overloading in a company's switching office.

**WAC 480-120-089 Information delivery services.**

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

(2) "Information providers" mean the persons or corporations that provide the information, prerecorded message, or interactive program for the information delivery service.

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

(4) Companies offering information delivery services must provide to each residential telephone customer the opportunity to block access to all information delivery services offered or billed through the local exchange company. The first such request must be fulfilled at no charge to the customer. Subsequent requests for blocking (e.g., after a customer has unblocked such access) must be afforded, but a charge may be assessed. This charge for blocking must cover its fully allocated costs, and must be tariffed.

(5) The local exchange company must inform residential telephone customers of the availability of the blocking service through a single-topic bill insert and through publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The notice and bill insert will clearly inform residential telephone customers of their rights under the law and must, at a minimum, include the following information:

(a) The definition of "information delivery services" as set forth in section (4) above, as well as a statement that these services often are called "900" numbers;

(b) Notice that customers have the right under Washington law to request free blocking of access to information delivery services on their residential telephone lines and that blocking will prevent calls access to information delivery services from their residential telephone line;

(c) Notice that customers may request free blocking of access to information delivery services on their residential telephone lines by calling the local exchange company at a specified telephone number;

(d) Notice that the Washington utilities and transportation commission is authorized to enforce this law and that customers may contact the commission for further information. The notice must provide the commission's address and toll-free telephone number, as follows:

Washington Utilities and Transportation Commission  
Consumer Affairs section  
1300 South Evergreen Park Drive, SW  
P.O. Box 47250  
Olympia, WA 98504  
1-800-562-5150

**~~WAC 480-120-091 Farmer lines.~~**

~~Each utility furnishing switching service for farmer lines shall file with the commission reasonable rules and regulations covering conditions under which the utility will connect a farmer line to its facilities and perform switching service. These rules shall provide reasonable regulations covering the maintenance of such lines and equipment as may be required to prevent an adverse effect on the general character of service rendered by the utility. Such rules may provide for the discontinuance of service to an entire line when repairs are required. *Provided, however,* Such action may be taken only after written notice of intent to discontinue service has been given to the owners or their representatives. *And provided further,* That if there be danger to life or property such notice may be disregarded. The notice of discontinuance when given, shall specify the~~



~~particular condition to be corrected. A reasonable period of time shall elapse after issuing a written notice before discontinuance of service.~~

~~**WAC 480-120-096 Grounded circuits.**~~

~~No additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to metallic or equivalent circuits.~~

**WAC 480-120-101 Complaints and disputes.**

(1) When a company receives a complaint from an applicant for service or customer regarding its service or regarding another company's service for which it provides billing, collection or responses to inquiries, the complaint must be acknowledged 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;
- (f) inform the complainant, if still dissatisfied after speaking to a supervisor, of his/her 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 a applicant for service or customer regarding another company's service for which it provides only billing service and does not have authority to resolve disputes, the company must:

- (a) 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, and
- (b) the company must explain the customer's right to escalate the complaint to a supervisor if dissatisfied with the initial contact with the other company and the customer's right to file an informal complaint with the commission if still dissatisfied after speaking to a supervisor.

(3) Applicants for service, customers, or their authorized representatives, may file with the commission:

- (a) an informal complaint as described in WAC 480-09-150; or
- (b) a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and WAC 480-09-500.

(4) When the commission refers an informal complaint to a company, the company must:

- (a) investigate and report the results of its investigation to the commission within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested by the company and the extension is warranted;

(b) respond to requests for additional information on a complaint within three business days unless commission staff specifies another date; and

(c) keep the commission informed of progress toward the solution and the final result of the complaint.

(5) Records. Each company must keep a record of all complaints for at least three years and, on request, make them available for commission review. The records must contain:

(a) complainant's name and address;

(b) date and the nature of the complaint;

(c) action taken; and

(d) final results.

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

#### **WAC 480-120-106 Form of bills.**

(1) Except as provided in section (9) below, bills to customers must be rendered regularly. The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington.

(a) Should the company fail to generate bills on a regular basis, resulting in the collection of delayed charges, the company must, when requested by the customer, allow the same length of time to pay the delayed charges as it took the company to generate the bill (e.g. bill delayed two months, customer allowed two months to pay the charges contained on the bill).

(b) If requested by a customer, a company may provide regular billings in electronic form so long as the bill meets all the requirements of this rule. The company must maintain a written record of the customer request to receive the bill in electronic form.

(2) Bill organization. Bills must be clearly organized, and must comply with the following requirements;

(a) The name of the service provider associated with each charge must be clearly identified on the telephone bill.

(b) When charges for two or more service providers appear on the same telephone bill, the charges must be separated by service provider, and the billing entity must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service.

(i) "Clear and conspicuous notification" means notice that would be apparent to a reasonable customer.

(ii) "New service provider" is any provider that did not bill for services on the previous billing statement. The notification should describe the nature of the relationship with the customer, including a description of whether the new service provider is the presubscribed local exchange or interexchange company.

(3) Description of billed charges. Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so customers can accurately determine that the services billed correspond to those they have requested and received, and the costs assessed for those services conform to their understanding of the price charge.

(a) All bills for telephone service must identify and set out separately any charges imposed by order of, or at the direction of, the FCC. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which the tax is computed, representing municipal occupation, business and excise taxes that have been levied by a municipality against the company, the effect of which is passed on as a part of the charge for telephone service.

(4) “Deniable” and “Non-Deniable” charges. When a bill contains charges for other services, in addition to basic local service, the bill must distinguish between charges for which non-payment results in disconnection of basic local service, and charges for which non-payment will not result in such disconnection. The company must explain this distinction to the customer, and identify clearly and conspicuously on the bill those charges for which non-payment will not result in disconnection of basic local service. Companies may also elect other methods of informing the customer on the bill that they may contest charges prior to payment.

(5) Clear and Conspicuous Disclosure of Inquiry Contacts. Telephone bills must contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges on, the bill. Companies must prominently display on each bill a toll-free-number or numbers by which customers may inquire or dispute any charge contained on the bill. A company may list a toll-free-number for a billing agent, clearinghouse, or other third party, providing that such party possesses sufficient information to resolve customer complaints on the company’s behalf. Each company must make its business address available upon request to customers through its toll-free-number.

(6) Billing of regulated services. A company must not provide billing and collection services for any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange company that it will submit charges only on behalf of properly registered companies. As a part of this certification the company must require that the billing agent provide to it a current list of all companies for which it bills showing the name (as registered with the commission) and address. This list must be updated and provided to the company as changes occur. The company must provide a copy of this list to the commission for its review upon request.

(a) A company may not add or collect surcharges from customers for billing another company’s regulated charges.

(7) A company will furnish an itemized statement of all charges when a customer requests by telephone, letter or office visit.

(a) An itemized statement must include sufficient detail so a customer may calculate the bill. The statement must separately itemize the following:

- (i) the rate for local service;
- (ii) the rate for ancillary charges for local service;
- (iii) mileage charges;
- (iv) taxes and how they were calculated;
- (v) credits/adjustments and how they were calculated; and
- (vi) miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call.

(b) When itemizing the charges of information providers, the company must furnish the name, address, telephone number and toll free number, of any, of such providers. Any additional itemization must be a filed tariff charge.

(8) A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income. A company may refuse to establish a preferred billing date that would extend the due date beyond the next normally designated payment date.

(9) Company's prepaid calling card services are exempt from sections (1) through (8). Companies for which an exemption is provided under this section must provide call detail reports for prepaid calling card service free to customers upon request as provided for in WAC 480-120-052(4)(d).

**WAC 480-120-116 Refund for overcharge.**

Overcharges by a company to a customer must be refunded to the customer retroactive to the time the overcharge was applied or to the time the overcharge can be documented either by the company or the customer.

**WAC 480-120-121 Responsibility for delinquent accounts.**

A company may only refuse service to an applicant for service or customer, who is not in arrears to the company, when:

(a) There are unpaid charges due from the premises to be served that are owed by a prior customer who continues to reside in the premises, and the prior customer has either failed to pay the charges or, if applicable, pay the first one-sixth installment as provided for in WAC 480-120-061.

(b) There are unpaid charges due from the premises to be served which are owed by a prior customer and there is evidence of intent to defraud such as rotation of roommate names as provided for in WAC 480-120-061(8).

**WAC 480-120-126 Safety.**

A company's plant and facilities must be constructed and installed to conform with standard engineering practices and comply, at a minimum, with the most current National Electric Safety Code. All instruments and equipment must be installed and maintained with consideration for the safety of the customers, employees and the general public. Hazardous conditions that endanger persons, property, or the continuity

of service, when found, reported or known to exist, must be corrected immediately.

Companies may not store flammable, combustible materials, accumulate trash, or allow other fire hazards at any central office and any other location where storage poses a danger to the network.

**WAC 480-120-131 Reports of accidents.**

A company must notify the commission no later than the first business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through contact with its facilities. A company may initially notify the commission verbally or through electronic mail of such accidents. Companies must submit a follow-up written report to the commission within fifteen (15) working days of initial notification that includes at a minimum:

- (a) The name and address of the person or persons injured;
- (b) The time and place of the accident;
- (c) Whether the accident resulted in a fatality;
- (d) Whether the accident resulted in an outage;
- (e) If an outage occurred, its duration and the number of customers affected;
- (f) A brief description of how the accident occurred; and
- (g) Where any necessary medical treatment was provided.

**WAC 480-120-136 Retention and Preservation of records.**

(1) Companies must retain all records and reports for three years unless otherwise specified in section (2) below. No records may be destroyed prior to the expiration of the time specified in section (2).

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission, effective October 1, 1998. This document is available at the commission branch of the Washington state library. The commission will provide a copy of the document on request, subject to any charge.

**WAC 480-120-138 Pay phone service providers (PSPs).**

(1) General. This section sets out the standards applicable to providing pay phone service in the state of Washington. All pay phone service providers (PSPs) must comply with this and all other rules relating to pay phone services.

A local exchange company within the state of Washington must allow pay phones to be connected to its network, and must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse PSPs from compliance with those requirements.

(2) Registration and application of rules.

(a) Pay phone service providers (PSPs) operating a pay phone within the state of Washington must register by:

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

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

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt pay phone service providers from rules applicable to remedies or sanctions for violations of rules applicable to PSP operations.

(3) Access. Pay phones must provide access at no charge to the calling party the following:

(a) Dial tone;

(b) Emergency calling;

(c) Operator;

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

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

(f) All available interexchange companies, including the local exchange company.

(4) Disclosure - What must be posted. The following information must be clearly and legibly posted on or near the front of the pay phone, and must not be obstructed:

(a) The rate for local calls, including any restrictions on the length of calls. Clear and legible posting of the rate can be accomplished by using 30 point or larger type print, or contrasting color;

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

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

(d) The emergency number (911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and toll-free number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days of a change in the OSP.

(h) Notice to callers that they can access other long distance companies;

(i) The phone number including area code of the pay phone. When the pay phone is in an area that has had an area code change, that area code change must be reflected on the pay phone within thirty days of the area code conversion;

(j) In contrasting colors, the commission compliance number for customer complaints, to include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882); and

(k) Placarding must be in place within sixty days after the effective date of an applicable rule change.

(5) Operation and functionality.

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) A PSP must order a separate pay phone access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone.

(d) Extension telephones may be connected to a pay phone access line for the purpose of monitoring emergency use only. An extension phone must be activated only when 911 is dialed from the pay phone, and the extension phone must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the public safety answering point. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally."

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premises where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) The pay phone may not restrict the number of digits or letters that can be dialed.

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

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

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

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

(iii) Service at locations where local governing jurisdictions or law enforcement finds that incoming calls may be related to criminal or illicit activities and have obtained an order under section (6) below. Each pay phone confined to one-way service must be clearly marked on or near the front of the pay phone.

(6) Restrictions. A PSP must limit the operational capabilities of pay phones only when directed by the commission. The commission may direct such limitations upon request of local governing jurisdictions (or other governmental agencies) in their efforts to prevent or limit criminal or illicit activities. Restrictions may include, but are not limited to, blocking of incoming calls, limiting touch tone capabilities and coin restriction during certain hours.

Requests for a commission order directing the restriction of a pay phone(s) in a

certain geographic area must be made by petition to the commission for waiver of section (5) above to allow one or more specific restrictions and for an order directing restriction of the phone(s). The petition may be made on a form provided by the commission. The petition must include a request for the restriction signed by an agent of the local government jurisdiction in which the pay phone is located who has authority from the jurisdiction to submit the request, and must state the jurisdiction's reasons for the request.

The petitioner must serve a copy of the petition on the pay phone service provider no later than the date the petition is filed with the commission. The petitioner must post a notice prominently visible at the pay phone(s) of the proposed restriction, no later than the day it is filed with the commission, and maintain it at the location until the commission acts on the petition. The notice must explain what is proposed and how to file an objection to the petition with the commission. The petition is for an administrative, and not an adjudicative, decision and will be processed administratively.

If no objection is made by any person or by commission staff within the twenty-day comment period, the commission will enter an order directing the restriction. If an objection is filed, the commission will hear the petition after notice to the objector and the petitioner.

Once restrictions are in place at the telephone, the PSP must post on or near each pay phone so limited, in legible and prominent type, a description of each limitation in effect, times when the restrictions will be in effect, and the name and without-charge number of the governmental agency that recommended the restriction.

(7) Telephone directories. The provider of the pay phone access line must furnish without charge one current telephone directory each year for each pay phone access line (PAL).

The PSP must ensure that a current directory is available at every pay phone.

(8) Malfunctions and rule violations. Malfunctions of the pay phone, or rule violations reported to the repair or refund number or the commission, must be corrected within five days.

(9) Complaints and disputes. Complaints and disputes regarding pay phone service providers will be treated in accordance with WAC 480-120-101.

#### **WAC 480-120-141 Operator service providers (OSPs).**

(1) General. This section applies to operator service providers (OSPs) providing operator services from pay phones and other aggregator locations. All companies providing operator services (both live and automated) must comply with this and all other rules relating to companies not specifically waived by order of the commission. The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse OSPs from compliance with those requirements.

(a) Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(b) No OSP may provide service to a PSP that is not fully in compliance with the rules.



(c) For purposes of this section, "consumer" means the party initiating and/or paying for a call using operator services. In collect calls, both the originating party and the party on the terminating end of the call are consumers. "Customer" means the call aggregator or pay phone service provider, i.e., the hotel, motel, hospital, correctional facility/prison, or campus, contracting with an OSP for service.

(2) Disclosure.

(a) What must be posted. The following information must be clearly and legibly posted on or near the front of a pay phone, and must not be obstructed:

(i) The name, address, and without-charge number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days after a change of OSPs;

(ii) Notice to consumers that they can access other long distance companies;

(iii) In contrasting colors, the commission compliance number for consumer complaints, must include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882)"; and

(iv) Placarding as a result of rule changes must be in place within sixty days after the effective date of the rule change.

(b) Verbal disclosure of rates. Before an operator-assisted call from an aggregator location can be connected by a presubscribed OSP, the OSP must verbally advise the consumer how to receive a rate quote, by pressing a specific key or keys, but no more than two keys, or by staying on the line. This message must precede any further verbal information advising the consumer how to complete the call, by entering the consumer's calling card number. This rule applies to all calls from pay phones or other aggregator locations, including prison phones, and store-and-forward pay phones or "smart" phones. After hearing an OSP's message, a consumer may waive their right to obtain specific rate quotes for the call they wish to make by choosing not to press the key specified in the OSP's message to receive such information or by hanging up. The rate quoted for the call must include any applicable surcharge. Charges to the user must not exceed the quoted rate.

(3) Access. Pay phones must provide access to the services identified in WAC 480-120-138(3).

(4) Branding. The OSP must:

(a) Identify the OSP providing the service audibly and distinctly at the beginning of every call, including an announcement to the called party on calls placed collect.

(b) Ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(c) State the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. Terms such as "company," "communications," "incorporated," "of the northwest," etc., may be omitted when not necessary to identify clearly the OSP.

(5) Billing. The OSP must:

(a) Provide to the billing company applicable call detail necessary for billing purposes, as well as an address and toll-free telephone number for consumer inquiries.

(b) Ensure that consumers are not billed for calls that are not completed. For billing purposes, calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin.

(c) Charges billed to a credit card need not conform to the call detail requirements of this section. However, the OSP must provide specific call detail upon request, in accordance with WAC 480-120-106, Form of bills.

(6) Operational capabilities. The OSP must:

(a) Answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch.

(b) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem.

(c) Offer operator services that equal or exceed the industry standards in availability, technical quality, response time, and that also equal or exceed industry standards in variety or are particularly adapted to meet unique needs of a market segment.

(d) Reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(7) Emergency calls. For purposes of emergency calls, every OSP must have the following capabilities:

(a) transferring the caller to the appropriate E-911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, including automatic identification of the exact location and address from which the call is being made;

(b) the operator must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call; and

(c) providing a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(8) Fraud protection.

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

(i) Charges billed to a line for originating calls using company access codes (i.e., 10XXX+0, 10XXX+01, 950-XXXX), toll-free access codes, or originating calls that otherwise reach an operator position, if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits, and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls, if the line serving the call that was billed

had subscribed to incoming call screening (also termed billed number screening) and the call was placed after the effective date of the call screening service order.

(b) Any calls billed through the access line provider in violation of section (a)(i) or (ii) above must be removed from the call aggregator's bill by the access line provider. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the telecommunications company as not billable.

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

(9) Enforcement. OSPs are subject to all pertinent provisions of law.

(a) Revocation. The commission may revoke the registration of any company providing operator services if the company fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

(i) Registration may be revoked following notice and opportunity for hearing as provided in RCW 80.04.110 and the procedural rules of the commission.

(ii) Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is revoked.

(b) Penalty. The commission may assess a penalty as provided in RCW 80.36.522 and 80.36.524 upon any company providing operator services, if the company fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW.

(c) Alternatives. The commission may take any other action regarding a provider of operator services as authorized by law.

(d) Complaints. Complaints and disputes will be treated in accordance with WAC 480-120-101.

#### **WAC 480-120-144 Use of privacy listings for telephone solicitation.**

A company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

#### **WAC 480-120-151 Telecommunications companies' use of customer proprietary network information (CPNI).**

(1) Any company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same company, without customer approval.

(a) If a company provides different categories of service, and a customer subscribes to more than one category of service offered by the company, the company may share CPNI with the company's affiliated entities that provide a service offering to the customer.

(b) If a company provides different categories of service, but a customer does not subscribe to more than one offering by the company, the company may not share CPNI with its affiliates.

(2) A company may not use, disclose or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe to from that company, unless the company has customer approval to do so, except as described in section (3) below.

(a) A company may not use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including:

- (i) Call answering;
- (ii) Voice mail or messaging;
- (iii) Voice storage and retrieval services;
- (iv) Fax store and forward; and
- (v) Internet access services.

For example, a company may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice-mail service.

(b) A company may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange company may not use local service CPNI to track all customers who call local service competitors.

(c) A company may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.

(3) A company may use, disclose, or permit access to CPNI, without customer approval.

(a) A company may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) CMRS (wireless telecommunications service) providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(c) Local exchange companies and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to:

- (i) Speed dialing;
- (ii) Computer-provided directory assistance;

- (iii) Call monitoring;
- (iv) Call tracing;
- (v) Call blocking;
- (vi) Call return;
- (vii) Repeat dialing;
- (viii) Call tracking;
- (ix) Call waiting;
- (x) Caller I.D.;
- (xi) Call forwarding; and
- (xii) Certain centrex features.

**WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).**

(1) A company must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that company.

(2) A company may obtain approval through written, verbal or electronic methods.

(3) A company relying on verbal approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rules.

(4) Approval obtained by a company for the use of CPNI outside of the customer's total service relationship with the company must remain in effect until the customer revokes or limits such approval, so long as the company maintains the records of customer notification and approval required in this rule.

(5) A company must maintain records of notification and approval, whether written, verbal or electronic, for at least one year.

(6) Prior to any solicitation for customer approval, a company must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(a) A company may provide notification through verbal or written methods.

(b) Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a company to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the company a duty, under federal and state law, to protect the confidentiality of CPNI.

(ii) The notification must:

(A) specify the types of information that constitute CPNI and the specific entities that will receive CPNI;

(B) describe the purposes for which CPNI will be used;

(C) and inform the customer of the right to disapprove those uses and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that denial of approval will not affect the provision of any services to which the customer subscribes.

- (iv) The notification must be comprehensible and must not be misleading.
  - (v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.
  - (vi) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.
  - (vii) A company may state in the notification that the customer's approval to use CPNI may enhance the company's ability to offer products and services tailored to the customer's needs. A company also may state in the notification that the customer, upon affirmative written request, may compel the company to disclose CPNI to any person.
  - (viii) A company may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.
  - (ix) The notification must state that any approval, or denial of approval, for the use of CPNI outside of the service the customer already subscribes to from that company is valid until the customer affirmatively revokes or limits the approval or denial.
- (7) A company's solicitation for approval must be proximate to the notification of a customer's CPNI rights and must be written in the same document.

**WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).**

- (1) Companies must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and 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 outbound marketing situations and must maintain records of company compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.
- (3) A company must have a corporate officer, as an agent of the company, sign a compliance certificate on an annual basis that the officer has personal knowledge that the company is in compliance with the rules of this subpart. A statement explaining how the company is in compliance with the rules in this subpart must accompany the certificate.

**WAC 480-120-340 Enhanced 911 (E911) Obligations of local exchange companies.**

Local exchange companies offering E911 services must:

- (a) provide the capability to identify the location of individual telephone stations at private branch exchanges (PBXs) or similar equipment served by E911 service, where the PBX or similar equipment generates and forwards appropriate number identification information.
- (b) file with the commission tariffs and supporting cost studies that specify the charges and terms for E911 services.

**WAC 480-120-350 Reverse search by E911 PSAP of ALI/DMS data base--When permitted.**

(1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the location of the caller, to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) The administrator of the database must create a record at the time of the reverse search. The record must be created:

- (a) by the local exchange company (LEC) in the data base that is searched; and
- (b) by the PSAP making the search.

(3) A record may be created in a PSAP data base, if the collection and storage of the data are reasonably secure from alteration or deletion. The record must contain the following information:

- (a) the date and time,
- (b) the number searched,
- (c) the PSAP, and
- (d) if feasible, the PSAP agent position from which the reverse search is initiated.

(4) A reverse search can be made only if the PSAP makes a record of the search and includes the circumstances requiring the search.

(5) The PSAP must retain records for at least three years following the search, and records must be accessible to the LEC.

(6) Records created in a PSAP data base must be available to the LEC for retrieval at least once each normal workday.

(7) The PSAP and the LEC must each disclose, upon inquiry by a customer, whether the customer's line information in the ALI/DMS has been searched within three years prior to the inquiry. If the line has been searched, the PSAP and the LEC must disclose to the customer the information about the search in its respective possession.

(8) Reverse search must not be used for criminal or legal investigations or other non-emergency purposes.

**WAC 480-120-500 Service quality--General requirements.**

(1) Companies must design, construct, maintain, and operate their facilities to ensure continuity of service, the availability of comparable services, and uniformity in the quality of service furnished.

(2) Companies must use appropriate procedures to forecast demand for service, to ensure that sufficient facilities and an adequate operating staff are available to meet projected demands and all standards set forth in these rules.

**WAC 480-120-505 Operator services.**

(1) A company providing operator services must protect the confidentiality of all

communications it carries, processes, or transmits except as authorized by law.

(2) Each company providing operator services must:

(a) Develop procedures employees must follow to provide operator assistance to customers;

(b) Ensure that when automated operator services are provided, customers can access a live operator;

(c) Ensure that call timing for operator assisted calls is accurately recorded;

(d) Ensure that all operators receiving 0 and 911 calls are capable of:

(i) Routing calls in a manner that will allow access to the proper local emergency service agency.

(ii) Connecting calls on a twenty-four-hour a day basis.

**WAC 480-120-510 Business offices.**

Companies must provide applicants for service and customers reasonable access to company representatives for conducting business on a timely basis. Companies must also make available to applicants for service and customers a location to make cash and urgent payments. An urgent payment is a payment that the company requires upon the threat of disconnection of service. Urgent payments can be made, at a minimum, by cash, debit or credit card.

(1) Companies must provide business offices or customer service centers accessible by telephone or in person. If one business office or service center serves several exchanges, toll-free calling must be provided from each exchange to the office. Such business offices and service centers must be staffed with qualified personnel, including supervisory personnel, to:

(a) Provide information relating to services and rates;

(b) Accept and process applications for service;

(c) Explain charges on customers' bills;

(d) Adjust charges made in error; and

(e) Generally act as representatives of the company.

(2) Each company must ensure that:

(a) A minimum of ninety-eight percent of all call attempts to the company's business office are answered within twenty seconds either by live company representatives or an automated call system: and

(b) Ninety-nine percent of calls that are completed to an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds.

(c) For purposes of this section, station busies and unanswered calls will not be counted as completed calls.

(3) Each local exchange company must establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule must clearly post and maintain regular business hours. The number of payment agencies must be determined using the following criteria:

(a) Exchanges serving over seventy-five thousand access lines must have a minimum of one payment agency within the exchange for every fifty thousand access



lines.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agent within the exchange.

(c) Local exchange companies serving less than twenty-five thousand access lines must have a minimum of one payment agency.

(d) A business office of the company that accepts customer payments can substitute for a payment agency required by this section and be supported by the same personnel as the business office or customer service center.

(4) A local exchange company may request a waiver of section (3) above. As a condition for waiver, the petitioner must demonstrate that applicants for service and customers have a reasonable opportunity to make cash and urgent payments.

(5) A local exchange company must provide the following information to the commission, in writing, at least thirty days prior to the closing of any business office, customer service center, or payment agency:

(a) The exchange(s) and communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and locations available for making cash and urgent payments; and

(d) A list of other methods and locations for obtaining business office and customer service center services.

(6) A local exchange company may not close a payment location until alternative methods provided for in section 3(c) and (d) above are available to customers.

#### **WAC 480-120-515 Network performance standards.**

All companies, to the extent applicable, must meet the network performance standards set forth in this section. The standards applied to each service quality measure are the minimum acceptable quality of service under normal operating conditions. The standards do not establish a level of performance to be achieved during periods of emergency or catastrophe, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, force majeure, or disruptions of service caused by persons or entities other than the local exchange company. Network performance standards apply to each central office individually. Remote switches serving a different exchange area than the host switch are considered a separate switch.

(1) Switches, including remote switch(es), must meet the following requirements:

(a) Dial service. For each central office switch, companies must provide adequate capacity and equipment to meet the following minimum requirements during the normal busy hour:

(i) Dial tone within three seconds on at least ninety-eight percent of calls placed.

(ii) Completion of called numbers on at least ninety-eight percent of calls placed without encountering a blocking condition within the central office, in host-remote trunks, or in interoffice trunks.

(b) Intercept - central office dial equipment must be equipped providing adequate operator or recorded announcement intercept to all vacant codes and numbers, and

must provide average busy hour, busy season service levels of less than one percent of calls to intercept reaching busy or no circuit available conditions.

(2) Interoffice facilities.

(a) Local and Extended Area Service (EAS) interoffice trunk facilities must have a minimum performance of B.01 (P.01) level of service.

(b) Intertoll and intertandem facilities must have a minimum performance standard of B.005 (P.005) level of service. Service to an interexchange company must be provided at the grade of service ordered and specified by the interexchange company.

(3) Outside plant. Each local exchange company must design, construct and maintain customer loops to the customer network interface or demarcation point as follows:

(a) Voice grade, local exchange service.

(i) Transmission loss (TL) from the central office to the customer network interface must not exceed - 8.5 dB at 1004 Hz;

(ii) The minimum line current, measured across an assumed station resistance of 430 ohms, must be 20 milliamperes DC;

(iii) Total external loop resistance, excluding customer premises equipment (CPE), must not exceed the loop resistance requirement of the exchange switch.

(iv) The circuit noise on customer loops measured at the customer network interface must be equal to or less than 20.0 dBmC.

(b) Special circuits.

(i) Each local exchange company with over fifty thousand access lines must maintain design criteria for special circuits. Companies must make channel performance criteria available to customers upon request.

(ii) Off premises station circuits must not exceed - 5.0 dB at 1004 Hz, from switch demarcation to customer station demarcation.

(c) Digital services.

(i) Error-free performance for switched and nonswitched dedicated circuits, provided over copper transmission facilities, must not be less than 98.75% error-free seconds for DS1, 99.86% error-free seconds for DS1 self healing and alternate route protection services, and 99.875% error-free seconds for DDS.

(ii) Error-free performance for nonswitched dedicated circuits, provided over fiber optic transmission facilities, must not be less than 99.86% error-free seconds for DS1 self-healing and alternate-route protection services, and 99.99% error-free seconds for services provided at DS3 and above.

(iii) Circuit availability for nonswitched dedicated circuits, must not be less than 99.7% of the total calendar month for services provided over copper transmission facilities and 99.9% for services provided over fiber optic transmission facilities. A digital transmission channel is considered unavailable, or in an outage condition, when its bit error rate (BER) in each second is worse than  $1.0E-6$  for a period of ten consecutive seconds.

(iv) A customer may request that a local exchange company provide digital services that do not meet the performance standards set forth in section (c)(i) through (iii).

(4) Companies must measure network activity at sufficient intervals so that adequate facilities are in place when needed to accommodate growth in traffic.

(5) Each local exchange company must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions, disasters or emergencies can be redirected or call-forwarded to an alternate repair or maintenance service center location of the local exchange company.

**WAC 480-120-520 Major outages.**

(1) All companies must make reasonable provisions to minimize the effects of all major outages, including those caused by disasters or force majeure.

(2) All companies must inform and train employees in order to prevent or minimize interruption or impairment of service in the event of a major outage, including one caused by disaster or force majeure.

(3) Upon notification or detection of a major outage, each company must, as soon as possible, notify the commission. In addition, when a major outage affects any governmental emergency response facilities, the company is required to notify immediately the affected public safety answering points (PSAPs) and the state emergency management division and thereafter provide periodic updates on the status of the outage. All companies will coordinate service restoration with the state emergency management division if requested to do so.

(4) Major outages must receive priority attention.

(a) Outages affecting public health and safety must receive attention first and be repaired immediately if possible.

(b) Other services must be restored within twelve hours unless conditions beyond a company's control prevent service restoration.

(c) Outages affecting intercompany trunk and toll trunk service must be restored as follows:

(i) Intercompany trunk and toll trunk service not meeting service requirements must be repaired within four hours after the problem is reported. If the problem is not corrected within four hours, the company must keep all other affected companies advised on a daily basis of the status of restoration efforts.

(ii) In the event of total isolation between near and far end network switches, the response must be immediate and repairs must be made as soon as possible.

(5) A company affected by a major outage must report daily to the commission on the progress of restoration efforts until the full network recovery is achieved.

(a) Company initiated major outages in accordance with the contract provisions between the company and its customers, or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company are not included in this reporting requirement.

(6) All companies must develop and implement procedures for dissemination of information to the public, public officials, and news media about major outage recovery efforts, including a statement of the time, cause, extent and duration of the interruption.

(a) When a company intends to interrupt service to an extent that it is a major outage, customers who are affected must be notified not less than seven days in

advance unless circumstances do not permit. When circumstances do not permit notification seven days in advance, the company must give notification as soon as it plans to interrupt service.

(7) All companies must keep a record of each major outage including a statement of the time, cause, extent and duration of the interruption.

**WAC 480-120-525 Network maintenance.**

(1) Except during periods of emergency operation, each local exchange company must answer eighty percent of repair calls within thirty seconds.

(2) Each local exchange company must implement maintenance procedures and employee instructions that permit safe, adequate, reliable and continuous service at all times. Adequate maintenance must include, but not be limited to, keeping all facilities in safe and serviceable repair. Examples are:

(a) Hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist, must be corrected immediately.

(b) Broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service, must be promptly repaired or replaced.

(c) Transmission problems, including noise induction, cross-talk, or other poor transmission characteristics on any channel, must be promptly corrected when located or identified.

(d) Central offices equipped with automatic start generators must have three hours reserve battery capacity. Central offices without automatic start generators must have a minimum of five hours reserve battery capacity. For each office without permanently installed emergency power facilities, the company must ensure access to a readily connectable mobile power unit with enough power capacity to carry the load and can be delivered within one half of the expected battery reserve time.

(e) Trouble reports by exchange must not exceed four trouble reports per one hundred access lines per month for two consecutive months, nor exceed four trouble reports per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to CPE or inside wiring, nor does it apply during emergencies or major outages of service caused by persons or entities other than the local exchange company.

(f) Companies must install and maintain test apparatus at appropriate locations to determine the operating characteristics of network systems.

(g) For the safe and continuous operation of underground cables, companies must establish air pressurization policies and an air pressurization alarm monitoring program where appropriate.

(h) Sufficient portable power systems must be available to support up to the largest remote customer company site.

(i) Companies must establish route and circuit diversity for signal system 7 "A" links within the network.

(3) Each company must ensure that:

(a) a minimum of ninety-eight percent of all call attempts to the company's repair office are answered within twenty seconds either by live company representatives or an

automated call system: and

(b) ninety-nine percent of calls that are answered by an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds.

(c) for purposes of this section, station busies and unanswered calls will not be counted as completed calls.

**WAC 480-120-530 Emergency services.**

(1) At least once every twenty-four hours, each local exchange company and each interexchange company owning, operating, or maintaining any portion of any dedicated 911 circuit must manually test, for continuity, the portion of the 911 circuit which it owns, operates, or maintains. This section does not apply to any dedicated 911 circuit, or portion thereof, if either (a), (b), or (c) below is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 company) that is equipped with one or more alarms to detect loss of signal continuity;

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours.

(2) Any dedicated 911 circuit found to be defective must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs must be undertaken promptly and pursued diligently by the company that has responsibility for operating and/or maintaining the circuit. Companies are not required to test or repair any portion of any dedicated 911 circuit which they do not own, operate, or maintain.

(3) Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified in the central office and the remote switch.

**WAC 480-120-535 Service quality performance reports.**

Local exchange companies must submit the following reports:

(1) Upon request by the commission that the performance of its central office switch(es) meets acceptable central office performance standards.

(2) Companies exempt from reporting requirements under RCW 80.04.530 must file appropriate reports according to section (3)(a) through (c) below, when deemed necessary by the commission. Companies must maintain performance records of the information required by section (3)(a) through (e) in a format suitable for the company's operation and in such condition that they can be forwarded to the commission upon request.

(3) Local exchange companies with fifty thousand or more access lines must report monthly the information required by (a) through (e) below.

(a) Installation appointments met. A report showing the percentage of appointments for the connection of service met on the commitment date. The actual date on which installation was completed will be compared to the applicable

commitment date to determine the number of appointments met.

(b) Held orders. A report consisting of the number of unfilled orders for exchange access service and including the total number of unfilled orders, the total number of lines in the unfilled orders, and the number of total orders for each central office. The report must identify the number of orders and lines held more than five days and the number of orders and lines held more than ninety days.

(c) Major Outages. A report consisting of a description of each major outage and including a statement of the time, cause, extent, and duration of the interruption and, when applicable, a description of preventive actions to be taken to avoid future outages.

(d) Trouble reports. A report consisting of the number of customers' access lines by exchange experiencing a malfunction in or loss of service. Trouble reports (including repeated reports) must be calculated as a ratio per one hundred lines in service. The report must include an explanation of causes for each exchange that exceeds the service quality standard established in 480-120-525(e). Trouble reports caused by customer provided equipment or inside wiring are not included in this report.

(e) Interoffice, intercompany and interexchange trunk blocking. A report consisting of a list of interoffice, intercompany and interexchange trunk groups that exceed the performance standards set forth in 480-120-515(2)(a) and (b). For each trunk group exceeding the standard, the following information must be provided:

- (i) The peak percent blocking level experienced during the preceding month;
- (ii) The number of trunks in the trunk group; and
- (iii) The busy hour when peak blockage occurs.

The report must also include an explanation of steps being taken to relieve blockage on any trunk groups exceeding the standard for two consecutive months.

(f) service interruptions restored within forty-eight hours, and service interruptions not restored within forty-eight hours.

(4) When the commission believes it is necessary to investigate problems to protect the public interest, further information may be requested from companies, detailed by geographic area and type of service. Service quality records for companies will be kept in a format acceptable to the commission and in such condition that they can be forwarded to the commission upon request.