

March 13, 2002

Dear Chairwoman Showalter, Commission Hemstad, and Commission Oshie:

I wanted to give you an update on our review of the Telecommunications Rulemaking UT 990146, and the Telecommunications Consumer Bill of Rights.

I met with Bob Shirley and Vickie Elliot to go over the new pre-proposed rules. I appreciate the time they spent with me, and their patience and willingness to discuss my consumer-related concerns with the February 14th version of the rules.

Because we have serious concerns with several of the proposed rules, we wanted to alert you to this before March 27th and ask for an opportunity to address these concerns in detail. In addition we wanted to alert you to the number and type of language changes we are requesting. The majority of the changes are minor and not expected to be controversial.

Requests to clarify proposed language.

These requests do not affect the substantive nature or intent of the rules but rather clarify ambiguous language, or close what we assume are unintentional loopholes. For example, we have requested that “WAC 480-120-104 Application for service” be changed from the current language:

(1) When contacted by an applicant, a company must:

to

(1) When contacted by an applicant, or when soliciting an application from a potential customer, a company must:

The obvious reason for this change is to clarify that the rule applies not only when a consumer contacts a company but also when a company contacts an applicant. There are 12 such requests for clarification.

Requests for adding language found in one rule to another rule for consistency and clarification.

Some of the requests for changes are simply an application of rule language from one rule to another like rule. These changes are not expected to be controversial as they do not change the Commission’s overall intent, or increase the overall burden on the company, but simply apply regulations equally across like rules. For example, we have requested that “WAC 480-120-061 Refusal of service” have the phrase “after conducting a thorough investigation it determines” added to section (4). This language already exists in WAC 480-120-172 Discontinuing service--Company initiated. “(1)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines:” There are 10 such requests for minor language changes.

Requests for additional language

We have also requested new language be added that addresses consumer concerns not clearly covered in the proposed rulemaking but which are important to consumers, are in the best interest of the public, and seem to us to be relatively uncontroversial, or if controversial, there seems to be support from Staff for the requested change. For example we have requested adding language to WAC 480-120-104 Application for services

(1a) Process applications, without discrimination based on nationality, race, gender, marital status, age, income, or address . . .

Inclusion of language that explicitly prohibits discrimination addresses consumer concerns about profiling.

Requests for major changes

We are requesting two major changes. One is that the complaint rule, WAC 480-120-165, be expanded and include benchmarks similar to those applied in WAC-120-166 and WAC-120-107. See Attachment A.

The second major request for change is to WAC 480-120-061 Information to Consumers. The change would require that companies provide information to consumers at the point-of-decision making, or point-of-purchase. The requested change in WAC 480-120-061 is supported by requested changes in WAC 480-

120-061 Refusal of Service, WAC 480-120-104 Application for Service, WAC 480-120-122 Establishing credit, WAC 480-120-172 Discontinuation of Service, and WAC 480-120-251 Directory service. See Attachment B.

While these two major changes may add a small burden to those companies that are not already practicing good customer service, we feel this burden is one that is reasonable, is part of the cost-of-doing-business, and justified further by the unique position of the industry as a “public utility.” Companies, consumers and the commission will all benefit from these changes in a number of important ways including an improvement in the quality of service, a reduction in customer complaints and an improvement in consumer understanding of their rights and responsibilities. These changes adopted now will have long-term benefits and place Washington at par with other states that explicitly support consumer rights within their rulemaking.

Because these two requests for changes are significant, we respectfully request that the Commission hold an open meeting to discuss these changes before the March 27th open meeting for oral comments.

Telecommunications Consumer Bill of Rights.

As you know, the Telecommunications Consumer Bill of Rights (TCBR) has been adopted by the Telecommunications Consumer Educational Consortium and has the support of many consumer advocates and consumers. Included in our request for changes in Attachment B, is language from the TCBR.

We will be holding a press conference March 20th to introduce the Telecommunications Consumer Bill of Rights, and our request to include language from the TCBR in the proposed WUTC rulemaking. We hope to alert consumers to the WUTC rulemaking process and the opportunity they have to participate in the March 27th meeting and submit comments during the following request for comment period. We will be highlighting, through consumer stories and consumer advocate statements, the need for better clarification and regulation of the complaint process, and improved dissemination of information to consumers. The good work and responsiveness of the Commission with regard to the opt-out/opt-in privacy concerns of consumers, and your rapid response in writing new rules on privacy sets a much appreciated precedent for your consideration and response to what many consumers and consumer advocates see as an even bigger issue: the lack of a fair, responsive complaint and redress process, and the lack of adequate consumer information needed to make informed choices and manage their telephone service.

I look forward to working with you. Please give me a call if you have any questions or want further information.

Sincerely,

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