

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

UT-990146

Rulemaking, Chapter 480-120)	Supplemental Comments
Telecommunications Operations)	from Sprint

Sprint submits these supplemental written comments in advance of the March 27 public meeting to provide sufficient time for their consideration before the proposed Telecommunications Operations rules are advanced to the final, CR-102 stage. Sprint will not address the proposed Customer Proprietary Network Information (CPNI) definitions and rules in these comments. Rather, Sprint will provide separate comments addressing CPNI.

Sprint appreciates that in many of the proposed rules set forth in the February 14, 2002, "Pre-Proposal Draft" the Staff considered concerns and suggestions expressed previously by our company and the rest of the industry. Sprint does, however, have some remaining concerns, which the Company will address by making some editorial and policy recommendations. We first propose the following editorial recommendations:

In the definition of "Order Date," lines 245-248, reference should be made to WAC 480-120-061, as well as 480-120-104, to clarify that the order date is the date when all necessary actions of the customer and company are completed, including obtaining of necessary permits, rights of way, etc.

WAC 480-120-061(8), lines 440-442, should read, "A company may not withhold or refuse to release a telephone number to a customer who is transferring service to

another telecommunications company within the same rate center.” It is not yet technologically feasible to port numbers outside of a rate center.

WAC 480-120-122a, lines 762-764, should read, “A company must remove toll restriction unless the customer desires to retain it when if a customer makes full payment of the requested interexchange carrier deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) above.”

There are also a few remaining policy issues, including some remaining new requirements, contained within these proposed rules that Sprint would like to address at this time.

First and most importantly, Sprint continues to object strongly to the proposed penalties and credits in proposed WAC 480-120-XXX, 480-120-X08, and 480-120-X40 at lines 591 through 685. These new and burdensome requirements are inconsistent with the spirit of the Governor’s mandate for reviewing and revising the state’s rules. Certainly the intent was not the creation of new rules that would impose extensive costs for new tracking systems and customer procedures. Rather, these rules seem designed to punish companies regardless of their service results. The result is that companies like Sprint that have consistently provided good customer service will have to incur additional costs for systems development.

The new requirements may also drive the wrong behavior by emphasizing due dates and appointments over all other objectives, like efficiency, completion of tasks, and doing the job right the first time. At the very least, companies should be permitted to craft their own customer credit plans that would be in keeping with their own marketing and customer service philosophy. This is not an area where one size fits all and there’s no reason to treat it as such. For instance, companies serving a sparsely populated serving area with a widely dispersed customer base are likely to have greater

challenges meeting all commitments than one serving a densely populated area with a contained or compact customer base. Additionally, different demographics may warrant different means of compensating customers for inconvenience. For instance, rural customers may respond more favorably to a toll discount than a credit to local service.

Moving on to other matters, the definition of “Telecommunications service” in the amended WAC 480-120-021 as “any one of the services that are offered by companies” is too broad, even with the clarifying examples. Sprint suggests that the Commission use the FCC definitions as agreed to by all parties for the Washington Qwest SGAT:

1. “Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.”
2. “Telecommunications services” means the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

In the proposed revision of WAC 480-120-106, Form of Bills, Sprint is very concerned about the requirement that customers be offered payment arrangements that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval. The proposed language as written would penalize companies for actions beyond its control. Sprint has little if any control, for instance, over when toll charges from other carriers appear on our bills. If the rule is intended to address any items that appear late on the bill for any reason, it would take more than 12 months and several million dollars worth of billing system investment to meet the conditions of the rule.

If the intent of the new language is to provide extra time to the customer only when the company is late sending out bills, Sprint suggests the following language:

Companies may not impose late charges until after the customer has received billing and has missed the subsequent payment due date. If the company is late sending out its regular billing statements, it must allow the minimum time payment after the bill's mailing date pursuant to (2).

The proposed language, "as measured weekly," in WAC 480-120-X12 at line 1076, imposes too rigorous and complicated a requirement if it means that the standard must be met as averaged over any given seven-day period. Almost all regulatory monitoring and reporting, nationwide, is monthly and that is the basis on which Sprint has designed its systems and staffed its call centers. A single "bad" day will bring a week below the standard even if it would not have brought the month below standard.

Furthermore, the proposal creates a potential conflict with amended WAC 480-120-535 (10) at line 3634, which requires Sprint to provide the report that company managers receive on an as needed basis. The report that managers receive is not produced on a weekly basis, but rather is a monthly report. Providing a weekly report on request would require significant re-working of the company's internal reporting systems.

Regarding proposed WAC 480-120-X13 (line 1407), Sprint reiterates its position that the requirement that companies make payment agencies available for cash and urgent payments is unduly burdensome, extremely costly, and outdated in today's business environment. The majority of debts consumers incur cannot, for all practical purposes, be made in-person. Fewer people today care to make their payments in cash. It makes little sense for all ratepayers to bear the cost for the benefit of a few. Customers can pay electronically, and even automatically with either a checking account or credit card. Alternatively, the cost of mailing a check is only 34 cents. Those who do

not have a checking account can purchase a money order for \$.90 from USPS. The combined cost of a stamp and money order is just \$1.24.

Sprint recognizes the importance customers place on maintaining continuous service; however, the rules regarding notification of disconnection ensure that customers have adequate warning if service is in jeopardy. Additionally, Sprint offers a variety of convenient payment methods that customers can use to ensure service is not disconnected for non-payment. Some of these methods, such as auto-pay or payment by credit card, do not even require the purchase of a stamp.

Courtesy offices made more sense in the past when the courtesy office attendants could not only handle the cash transaction, but also answer most questions posed by walk-in customers, and even make telephone sales. Over time, the increasing complexity of the telecommunications industry and technology breakthroughs radically changed the way in which people use our services, and in response, we've changed the way we organize our operations. It is no longer reasonable to expect a courtesy office attendant or payment agent to answer all of the questions posed by today's customer. Call centers with automated call systems and specialized work groups are better equipped to address specific needs and inquiries. Additionally, safety has become a bigger factor than in years past. For these reasons, Sprint implores the Commission to eliminate this requirement.

In the proposed WAC 480-120-X32 at line 1907, which concerns the Washington Telephone Assistance Plan ("WTAP") and federal enhanced tribal lifeline eligibility, Sprint believes that ancillary services should be included with toll services in section (3) and removed from (1). WTAP is intended solely to aid customers in obtaining and retaining basic service. There is no statutory or policy basis to include ancillary services in any mandatory, Commission-prescribed payment plan.

WAC 480-120-439(9)(a) at line 3622, proposes a new requirement that “a company must indicate [in its repair report] the number of construction orders requiring permits as provided for in 480-120-440.” Sprint currently has no mechanism in place to capture this information. It is possible, in any given instance, that only the engineer actually designing the job would know that permits are required. It would be excessively burdensome and expensive to ensure that all such information was accurately accumulated and reported on a monthly basis. If the Commission has a question about any particular job, evidence that permits were required could be supplied. Sprint asks that this monthly reporting requirement be eliminated.

In conclusion, Sprint wishes to reiterate both our appreciation for the many revisions that the Staff has made in these proposed rules and our concerns with a few of the remaining new requirements. We hope the Staff and Commission will have an opportunity to review and consider these written comments in addition to the oral comments at the March 27 public meeting.

Submitted this 21st day of March, 2002, by

Nancy L. Judy
State Executive – External Affairs