

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

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2005 JUN -9 P 1:59

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Public Service Commission TITLE NUMBER: 150

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 29

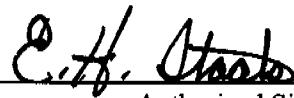
TITLE OF RULE BEING PROPOSED: Rules for Statewide Telephone Information and  
Referral 211 Service

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 2669

SECTION 64-9-11, PASSED ON April 9, 2005

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: June 9, 2005



Authorized Signature

#5.00

RECEIVED

2005 JUN -9 AM 9:19

Ryan Charles Cline  
RT 3 Box 650  
Washington, WV 26181

W V PUBLIC SERVICE  
COMMISSION  
SECRETARY'S OFFICE

Sandra Squire Executive Secretary  
Public Service Commission of West Virginia  
201 Brooks Street P.O. Box 812  
Charleston, WV 25323

The matter that is my complaint is the price quotes I received from Verizon for the same job service, but during different years. In April 2004 I requested a job to be done which would require the phone lines on my property to be raised or lowered to allow sufficient room for my house to pass through onto my property.

I spoke with Jack Duke EA at Verizon. He met with me on my property and we viewed the area of lines to be adjusted. I was given the price quote of one-hundred ten dollars (\$110.00) the first hour of work then forty-six (\$46.00) each additional half hour of work. Jack Duke stated the job should not take longer than three hours. The job was scheduled for June 17, 2004 job number 196466287.

The date to move my house was changed due to permit circumstance. I notified Jack Duke EA at Verizon and cancelled the request for the job on June 17, 2004. I informed him I would not need the job done until spring of 2005. He assured me it would not be a problem to reschedule. He told me to call one week prior before the house was to be moved.

In April 2005 I contacted Jack Duke EA at Verizon and informed him I needed the job done during the third week of May. I was not informed of the price change until the second week in May. Due to the unexpected price change I can not fit that price change into my budget. The increase price by Verizon has delayed my house being moved onto my property and also costing me extra money from the house mover. The house movers have had my home on steel beams and wheels for the past two and a half weeks waiting to be able to move it. This delay is not only costing me extra money but also delaying the house movers from other business they have scheduled.

There are no changes in the job to be done except for the price quote. Verizon is now requesting a advanced payment of six thousand sixty dollars (\$6,060.00). Last year the charge was to be one hundred ten dollars(\$110.00) the first hour and forty six dollars (\$46.00) each additional half hour. I would like to know how they can drastically change the price of the same job. I would like the reasonable price quote given to me in 2004. I spoke with Jack Duke EA at Verizon about who quoted the price for 2005. His response was Sandra Smolder at Verizon generated the cost. I spoke with Sandra Smolder over the phone about the quote and she stated she did not come up with the price quote for 2005. I then spoke to Jack Duke again he stated the price quote did seem quite high and he would check into it. I would like to know who actually quoted the price for 2005 and how they came about the price change between 2004 and 2005.

Thank you,

*Ryan Cline*

Ryan Charles Cline  
6/6/2005

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 9<sup>th</sup> day of June, 2005.

GENERAL ORDER NO. 187.25

IN THE MATTER OF A PROCEEDING FOR THE ADOPTION  
OF RULES IMPLEMENTING AND GOVERNING THE WEST  
VIRGINIA 211 INFORMATION AND REFERRAL SYSTEM

**COMMISSION ORDER**

By this order, the Commission submits to the Secretary of State the Commission's Rules for Statewide Information and Referral 211 Service, 150 CSR 29, attached hereto as Attachment A, as approved by act of the Legislature pursuant to House Bill 2669, §§ 64-9-11, and *W.Va. Code* § 29A-3-13.

**Background**

Additional background of this proceeding is fully set forth in prior orders of the Commission issued in this General Order proceeding. The Commission states an abbreviated background as follows.

By Order issued December 11, 2003, the Commission adopted Rules for Statewide Information and Referral 211 Service, 150 CSR 29, as Commission proposed emergency Rules. The Commission provided a thirty-day comment period, set a hearing date of January 30, 2004, and stated that it would issue an order on Final Rules, within ninety (90) days of December 11, 2003.

On December 29, 2003, the West Virginia Secretary of State approved the emergency rules.

2. The final version of the Rules is attached as Attachment A.

**CONCLUSION OF LAW**

The Commission hereby submits final Rules for Statewide Information and Referral 211 Service, 150 CSR 29, to the Secretary of State. The rules are effective as of the date of issuance of this Order.

**ORDER**

IT IS THEREFORE ORDERED that the Commission's Executive Secretary shall submit the final Rules for Statewide Information and Referral 211 Service, 150 CSR 29, attached hereto as Attachment A, to the Secretary of State.

IT IS FURTHER ORDERED that the rules submitted to the Secretary of State shall be accompanied by the required Form No. 6 "Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature."

IT IS FURTHER ORDERED that the Rules attached on Attachment A are now in effect.

IT IS FURTHER ORDERED that, upon entry hereof, this case shall be removed from the Commission's open docket.

IT IS FURTHER ORDERED that the Commission's Executive Secretary shall serve a copy of this order by First Class United States Mail on all task force members and upon other parties who filed comments in this proceeding, and upon Commission Staff by hand delivery.

A True Copy, Teste:



Sandra Squire  
Executive Secretary

JML/ljm  
go18725ce.wpd

individuals seeking the afore-enumerated services and appropriate providers of such services.

2.5. "I & R specialist" - An individual employed by an I & R provider that provides I & R services directly to callers.

2.6. "Statewide 211 system" - The system for providing access, via the 211 dialing arrangement, to a single call center, or functional equivalent, that provides callers with centralized I & R services, including, as appropriate, links to regionalized I & R services statewide. The statewide 211 system shall be implemented by utilizing a single, toll-free 8XX number, with all telecommunications carriers translating and routing 211 calls to the 8XX number assigned to the statewide 211 call center.

2.7. "211" - The three digit, abbreviated dialing arrangement designated by the Federal Communications Commission for use as the universal access number for contacting local, regional, or statewide I & R service providers.

2.8. "211 Collaborative" - A private, non-governmental West Virginia incorporated association whose members are drawn from local I & R providers, including call centers, and other stakeholders (*e.g.*, social services and charitable organizations, governmental agencies and educational institutions) in the state.

2.9. "211 Provider" - A private, non-governmental entity, either stand-alone or part of a larger organization, selected by the 211 Collaborative and having responsibility for the operation and management of the statewide 211 system. The 211 Provider shall provide I & R services to members of the public who dial 211. Any I & R provider may petition the 211 Collaborative to be considered to be chosen the 211 Provider in West Virginia.

§150-29-3. The 211 Collaborative.

3.1. The 211 Collaborative shall provide direction and oversight over the operation of the statewide 211 system established in West Virginia in accordance with the May 15, 2002, task force report in WVPSC Case No. 01-0689-T-GI and this rule.

3.2. The 211 Collaborative shall include I & R providers, including call centers, representatives of social services and charitable organizations, governmental agencies, public service answering points, educational institutions, and the public. In addition, the 211 Collaborative shall include, at all times, one (1) non-voting representative of the 211 Provider.

4.2.a. The 211 Collaborative may, in its discretion, fix or otherwise limit the 211 Provider's term of service.

4.2.b. The 211 Collaborative may, for cause, remove the 211 Provider at any time during the 211 Provider's term of service. "Cause" shall be construed to mean: (1) the 211 Provider's material non-performance of any obligation established as part of its selection by the 211 Collaborative; (2) the 211 Provider's violation of any Commission rule, regulation or order relating to the operation of the statewide 211 system; or (3) malfeasance or fraud on the 211 Provider's part. The 211 Collaborative shall submit its written decision removing the 211 Provider to the Commission within ten (10) days of such decision.

4.2.c. In the event the 211 Provider's term of service expires, or if the 211 Provider is removed pursuant to this subsection, the 211 Collaborative shall take action to designate a successor 211 Provider prior to the expiration of the current 211 Provider's term or effective date of the 211 Provider's removal, if possible.

4.2.d. If the 211 Provider determines to cease operating the statewide 211 system, the 211 Provider shall provide written notice to the 211 Collaborative and the Commission at least ninety (90) calendar days prior to its intended date of cessation of operation as the 211 Provider.

#### 4.3. Selection of Subsequent 211 Providers.

4.3.a. In the event the 211 Provider's term of service expires, or if the 211 Provider is removed pursuant to subsection 2 of this section, or if the current 211 Provider ceases to operate the statewide 211 system for any reason, the 211 Collaborative shall solicit and review applications from qualified I & R providers, including call centers, seeking to operate the statewide 211 system.

4.3.b. The 211 Collaborative shall provide public notice by publication at least once in a newspaper, duly qualified by the Secretary of State, published and of general circulation throughout the state, and by other appropriate means, advising I & R providers that the 211 Collaborative is soliciting applications for selection of a 211 Provider.

4.3.c. The 211 Collaborative shall submit its written decision selecting a subsequent 211 Provider, together with supporting documents, to the Commission within thirty (30) days of such decision.

7.1. Calls from landline telephones to 211 shall be free of charge to the caller, including calls made over public and semipublic telephones. Wireless carriers may elect to charge for calls over their systems to 211. Inmate facilities may block access to 211 by inmates. For purposes of access charges and other intercarrier compensation associated with the completion of 211 calls within the state, 211 calls shall be treated in the same manner as all other end user calls are treated.

7.2. All telephone companies providing telecommunications within the state shall reasonably cooperate in implementing any non-recurring network modifications (*e.g.*, central office switch translations) required in order for end users to access the statewide 211 system. Providers of Telecommunications Relay Service, and all providers of public and semipublic telephone service, shall likewise reasonably cooperate in implementing the statewide 211 system.

7.3. Initial capital and non-recurring costs associated with implementing network modifications required in order for end users to access the statewide 211 system, including central office switch translations, shall be absorbed by participating telephone companies and other entities set forth in subsection 2 of this section: Provided, however, that telephone companies and other entities set forth in subsection 2 may petition the Commission to recover such costs, which the Commission may grant upon a showing of good cause. Provided further, that wireless carriers are not required to obtain Commission approval to recover such costs.

7.4. Additional costs associated with participating in the statewide 211 system not described in subsections 2 and 3 of this section, may not be imposed by landline carriers absent a lawful order of the Commission.

7.5. Within one-hundred eighty (180) days of the effective date of this rule, calls to the statewide 211 system shall be answered by an I & R specialist, in a timely manner, on a 24-hours per day, 7-days per week basis.

#### §150-29-8. Complaints.

8.1. Complaint Log. The 211 Provider shall keep a complaint log of consumer-reported problems concerning the operations of 211.

8.1.a. The complaint log shall include the complainant's name, address and telephone number, the date and nature of the complaint, the date the complaint is considered resolved, and the disposition of the complaint. Such complaints shall be resolved by the 211 Provider and reported in the complaint log.

§150-29-10. Statewide 211 Database.

10.1. As part of its duties, the 211 Provider shall be responsible for creating, maintaining and updating an electronic database of all community-based social and other services providers within the state. The 211 Provider shall consult with the 211 Collaborative in fulfilling its duties under this Section.

10.2. The 211 Collaborative shall establish procedures whereby community-based social and other services providers may directly submit information to the 211 Provider for inclusion in the database referred to in subsection 1 of this section.

10.3. The database shall be updated by the 211 Provider at least semi-annually. The 211 Collaborative may, in consultation with the 211 Provider, require the database to be updated more frequently.

10.4. The statewide 211 system's database created, maintained and updated in accordance with this Section shall, at all times, be considered the exclusive intellectual property of the 211 Collaborative. Upon any change in 211 Provider, as set forth in section 4 of this rule, the statewide 211 system's database shall be returned to the 211 Collaborative.

10.5. The 211 Collaborative shall keep the Commission apprized of all decisions or actions undertaken pursuant to subsections 1 through 4 of this section.

# Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323

Phone: (304) 340-0317  
FAX: (304) 340-0372

June 9, 2005

Judy Cooper, Director  
Administrative Law Division  
Secretary of State's Office  
Building 1, Suite 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0771

Re: Series 29  
Rules for Statewide Telephone  
Information and Referral 211 Service

Dear Judy:

Enclosed for filing is the Commission's final rules in the referenced series. Included is a Notice of Final Filing and Adoption of a Legislative Rule Authorized By the West Virginia Legislature.

In addition, a diskette has been enclosed containing the final rules in a clean version. If there are any problems with the submittal, please bring them to my attention immediately. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Hitt", written over a large, stylized circular flourish.

Richard E. Hitt  
General Counsel

REH/ljm  
Enclosure