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JAMES B. GROFF, EXECUTIVE DIRECTOR

May 29, 1992

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Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

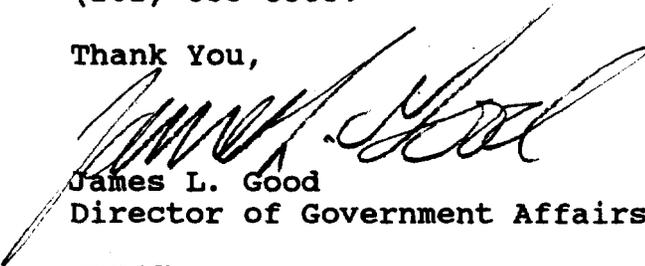
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Secretary:

Enclosed please find copies of comments on CC Docket No. 92-90. They were inadvertently left out of the original mailing. →

If any additional information is required, please contact me at (202) 833-8383.

Thank You,


James L. Good
Director of Government Affairs

JBG/db

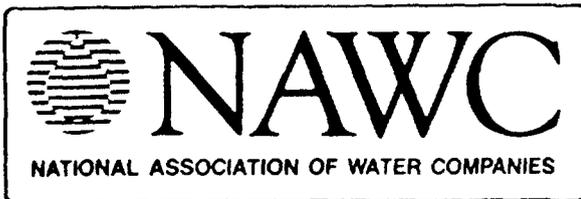
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

JAMES B. GROFF, EXECUTIVE DIRECTOR



May 21, 1992

Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

RE: Comments on CC Docket No. 92-90

Dear Ms. Secretary:

The National Association of Water Companies (NAWC) is the trade association representing the nation's investor-owned water utilities. Its 380 members in 40 states provide safe, reliable, high quality drinking water to over 22 million Americans every day. On behalf of its member companies and customers, the Association offers the following comments on proposed rules issued under the provisions of the Telephone Consumer Protection Act of 1992, P.L. 102-243 (the Act).

The NAWC's member companies are committed to complying with the intent of the Act by following procedures such as identifying the calling company, stating the company's phone number or business address and automatically releasing the called party's line within five seconds of hang-up. Our member companies employ, or intend to employ, automatic telephone dialing systems to provide improved service to customers at a lower cost, a goal shared by the Association's members, state public utility commissions and customers. In order to achieve this goal, the Association believes regulations should explicitly exempt investor-owned or operated water and wastewater utilities from the proscriptions found in the Act for the following types of calls:

1. Notifying customers of scheduled maintenance that may affect the service of the water and/or wastewater systems such as:
 - a. Routine flushing of mains for cleaning;
 - b. Scheduled replacement of water and/or sewer mains, service, meters, booster station equipment, collection lift station maintenance, backflow devices and other equipment;
 - c. Routine collection of water samples as required under the Safe Drinking Water Act.

2. Notifying customers of non-scheduled repairs that may affect the service of the water and/or wastewater systems such as:
 - a. Water main or sewer collection main breaks;
 - b. Water booster station and/or sewer lift station failures;
 - c. Customer service line leaks or excessive water use.
3. Notifying customers of conservation programs both company sponsored or legally mandated.
4. Notifying customers of potential discontinuance of service for delinquent payment procedures.
5. Notifying customers of emergency conditions that may affect their service such as:
 - a. Power outages affecting pressure and volume;
 - b. Boil water notifications due to unsafe conditions resulting from main breaks, backflows, backsiphonage, exceedance of maximum contaminant levels or other causes;
 - c. Acts of God.
6. Notifying customers of service provided by the water and/or wastewater company to improve customer service such as:
 - a. Water audits;
 - b. Deferred payment procedures;
 - c. Lock box and automatic payment procedures to simplify customer payment methods.

The NAWC also seeks exemption for calls to non-customers, such as:

1. Notifying employees of changes in work hours, shifts, emergency call outs, changes in benefit programs and other information;
2. Notification to vendors of changes in mailing addresses, phone numbers, contact persons and other relevant information;
3. Notification of association, committees, boards and others of meeting dates, time schedules and other relevant information.

The NAWC also has comments on the term "emergency purposes". The investor-owned water and wastewater industry provides services

necessary for the health and safety of its customers. Without safe drinking water, humans cannot survive. Many of the examples described above do not directly fall within the current definition of "emergency purposes" found in the proposed rules, nevertheless, we believe all of our contacts - whether they be with customers, employees or vendors - are in the public interest and necessary to convey information concerning a life sustaining resource. Use of an automatic calling system is one more way in which companies can economically provide this service. Therefore, we recommend the term "emergency purposes" be given the broadest possible interpretation when applied to activities conducted by water and/or wastewater utilities.

Finally, we believe "time of day restrictions" must be carefully crafted. Unless there is an emergency, our members do not intend to inconvenience their customers by contacting them at odd hours. Rather they desire to provide information customers or employees may need to ensure the provision of essential services. Obviously, restrictions prohibiting customer or employee contact under emergency conditions could dramatically affect the safety and health of customers.

On behalf of NAWC's members, I will appreciate the Commission's consideration of these comments. If you require additional information, please feel free to contact me at (202) 833-8383.

Sincerely,


James B. Groff
Executive Director