



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 01-2322**

**Released: October 5, 2001**

**INSIGHT 100 Requests a Waiver of 47 C.F.R. § 64.1601(b)  
Regarding the Transmission of Calling Party Number (CPN)**

**CC Docket No. 91-281  
NSD File No. NSD-L-01-153  
Pleading Cycle Established**

**COMMENTS DUE: October 15, 2001**

**REPLIES DUE: October 22, 2001**

On July 13, 2001, INSIGHT 100, Inc. (INSIGHT 100), a non-profit corporation whose member universities and hospitals provide non-public communications services to their sites and campuses, filed a petition for a waiver of section 64.1601(b) of the Commission's rules, which prohibits terminating carriers from passing calling party number (CPN) to the called party where a privacy indicator has been triggered.<sup>1</sup> INSIGHT 100 asserts that the security and emergency response duties of member universities and hospitals have been severely impaired by carriers' refusal to provide CPN, and requests that the Commission allow the INSIGHT 100 members to receive CPN, even where the calling party has activated a privacy indicator.

According to INSIGHT 100, its hospital and university members provide end-office services in their hospital and residential facilities similar to that provided by local exchange carriers (LECs). INSIGHT 100 states that its member hospitals and universities use Central Office class (CO-class) equipment, and that terminating carriers, by withholding information regarding CPN, prevents INSIGHT 100 hospitals and universities from fully using features of their CO-class devices known as "Customer Originated Trace" (COT) and system "traps."<sup>2</sup> INSIGHT 100 states that without access to CPN, university and hospital emergency response and security staff cannot use COT

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<sup>1</sup> 47 CFR 64.1601(b). Section 64.1601(b) states in pertinent part that "[n]o common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call. . . . [W]hen a caller requests that the CPN not be passed, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name to allow the called party to contact the calling party."

<sup>2</sup> COT and traps identify the CPN associated with calls terminating at their site. To function, COT and traps must receive the CPN from interconnecting carriers associated with calls terminating at their site.

functions to determine the identity of a caller on a real-time basis. INSIGHT 100 emphasizes that it is essential that its members be able to identify a caller on a real-time basis if the member is to perform its duty of protecting hospital patients, on-campus residents or staff from threats, or to dispatch emergency assistance to a caller for whom the university or hospital is responsible.

INSIGHT 100 argues that the waiver it requests would serve the public interest because it would protect the health and safety of the residents of institutions covered by this waiver by allowing the INSIGHT 100 member to provide rapid and appropriate responses to distress calls and threatening or abusive calls. INSIGHT 100 notes that its members, not the terminating carriers, provide the functional equivalent of end office communications service, and are responsible for the public safety functions that are impaired by any delay in obtaining CPN. INSIGHT 100 maintains that the privacy interests of incoming callers would be preserved, because members' CO-class devices have the capability to capture CPN and privacy indicators transmitted to the switch by the terminating carrier and to block transmission of CPN at the switch if required by the privacy indicator. Thus, according to INSIGHT 100, entities subject to the waiver could be required to honor the privacy flags of incoming calls, and to implement safeguards to protect the confidentiality of calling party information.

To keep the scope of its waiver request as narrow as possible, INSIGHT 100 requests that the waiver apply only to members that meet all the following criteria:

- The entity is a hospital and/or a university;
- The entity provides residential facilities or services within a defined geographic area under the control of the institution;
- The entity has primary or exclusive responsibility for the emergency response and/or security services provided to residents of the area; and
- The entity provides telecommunications services within the geographic area by operating CO-class equipment that is capable of receiving and properly interpreting the privacy indicator.

In addition, INSIGHT 100 suggests that the Commission require entities subject to the waiver to implement the following privacy protection measures:

- Restrict access to the electro-magnetic (disk) files that contain call trace logs, including the CPN of incoming callers;
- Restrict access to the call trace logs to the switch technicians and their upper management;
- Honor lawful requests from law enforcement agencies for hard copies of call trace logs with a secure delivery system; and
- Destroy call trace logs after a reasonable retention period.

We seek comment on INSIGHT 100's petition for waiver of section 64.1601(b) of the Commission's rules. A copy of the petition is available for review and copying during regular

business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554, (202) 418-0270. The petition may also be viewed online at the FCC's E-filing System located at [http://gulfoss2.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrch\\_v2.htm](http://gulfoss2.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrch_v2.htm), by typing CC Docket No. 91-281 in the Proceeding Block and clicking on Retrieve Document List.

Comments responding to this Public Notice should refer to file number **NSD-L-01-153**. Comments must be filed with the Commission by **October 15, 2001** and Reply Comments by **October 22, 2001**, and sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, D.C. 20554. Two copies of the comments should also be sent to Network Services Division, 445 12th Street, SW, Room 6-A207, Washington, D.C. 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference **CC Docket No. 91-281** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Susan Magnotti, [smagnott@fcc.gov](mailto:smagnott@fcc.gov), indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's ex parte rules. As a "permit but disclose" proceeding, ex parte presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to such proceedings. Parties making oral ex parte presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information, contact Susan Magnotti of the Network Services Division, Common Carrier Bureau at (202) 418-0871 (voice), (202) 418-0484 (TTY), or by email at [smagnott@fcc.gov](mailto:smagnott@fcc.gov).

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