



PUBLIC NOTICE

Federal Communications Commission
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DA 12-210

Released: February 14, 2012

**CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION
FOR WAIVER OF CHEVRAH HATZALAH VOLUNTEER AMBULANCE CORPS, INC.
REGARDING THE TRANSMISSION OF CALLING PARTY NUMBERS**

CC Docket No. 91-281

Comment Date: March 15, 2012

Reply Comment Date: March 30, 2012

On September 30, 2011, Chevrah Hatzalah Volunteer Ambulance Corps, Inc. (Hatzalah) filed a Petition for Limited Waiver¹ of section 64.1601(b) of the Commission's rules, which prohibits terminating carriers from passing the calling party number (CPN) to the called party where a privacy indicator has been requested by the caller.² Hatzalah requests a waiver to permit carriers to transmit to it the CPNs of callers whose numbers would otherwise be blocked.

Hatzalah, a non-profit corporation, operates an ambulance service in New York that responds to over 50,000 medical-related calls per year.³ For wireline calls, Hatzalah indicates that it can obtain the location information necessary to dispatch an ambulance even when it does not have the calling party's number due to CPN blocking.⁴ For wireless calls, however, Hatzalah states that it receives no location information when the caller has blocked the CPN.⁵ In these situations, Hatzalah represents that it must rely on the caller to provide this information.⁶ If the caller is unable to do so, Hatzalah states that it may be unable to obtain sufficient location information to respond to the emergency.⁷ Hatzalah notes that the Commission's rules contain an exemption that allows for CPN delivery to public service answering points that provide 911 emergency services even when CPN blocking has been requested by the caller.⁸ As a

¹ See Petition for Waiver of Chevrah Hatzalah Volunteer Ambulance Corps Inc., CC Docket No. 91-281 (filed Sept. 30, 2011) (Petition).

² 47 C.F.R. § 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....when 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."

³ Petition at 1-2.

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 3-4.

⁸ *Id.* at 2-3.

private not-for-profit entity, however, Hatzalah states that it does not qualify for that exemption, despite the fact that it claims to function in a similar capacity.⁹

Hatzalah contends that granting a waiver in this instance would satisfy the Commission's established waiver standards. Specifically, Hatzalah argues that the ability to identify and locate callers is paramount to the mission of emergency service providers, and strict adherence to the general rule in this case runs counter to the public's interest in receiving emergency medical attention in a timely manner.¹⁰ In addition, Hatzalah indicates that deviation from the rule in this case will lead to more effective implementation of overall policy by promoting the availability of emergency services.¹¹ It also notes that, while the rule is designed to protect the privacy of callers that choose CPN blocking, waiver of the rule would not frustrate that purpose because the Commission has recognized that a caller's privacy interest should not interfere with the delivery of emergency services.¹² Finally, Hatzalah contends that the scope of the requested waiver is narrowly tailored to serve a specific public interest identified by the Commission because the waiver would apply only to Hatzalah and calls made to its dedicated emergency telephone lines.¹³ Hatzalah states that it is willing and able to comply with the protocol for handling private caller information established by the Commission in granting a similar waiver of this rule.¹⁴

We seek comment from interested parties on the issues raised in this Petition. In addition, we seek comment on whether there are technical or other solutions that might enhance Hatzalah's ability to locate callers that have blocked CPN without the necessity of waiving the Commission's rules.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the respective dates indicated on the first page of this Notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁹ *Id.* at 3.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 6 (citing an exemption for providers of emergency services contained in section 64.1601(d)(4)(ii) of the Commission's rules).

¹² *Id.* at 6-7.

¹³ *Id.* at 7.

¹⁴ *Id.* (citing *Insight 100 Petition for Waiver of § 64.1601(b) Regarding the Transmission of Calling Party Number*, CC Docket No. 91-281, Memorandum Opinion and Order, 17 FCC Rcd 223 (2002)).

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith, Consumer & Governmental Affairs Bureau, Federal Communications Commission, (717) 338-2797.

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¹⁵ 47 C.F.R. §§ 1.1200 et seq.