



PUBLIC NOTICE

Federal Communications Commission
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DA 16-234
Released: March 2, 2016

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON MIDDLETOWN SCHOOL DISTRICT PETITION FOR WAIVER OF 47 CFR § 64.1601(b) REGARDING THE TRANSMISSION OF CALLING PARTY NUMBERS

CC Docket No. 91-281

Comment Date: March 16, 2016

Reply Comment Date: March 23, 2016

On February 18, 2016, the Enlarged City School District of Middletown, New York (Middletown) filed a petition for a limited waiver¹ of section 64.1601(b) of the Commission's rules, which prohibits terminating carriers from passing the calling party number (CPN)² to the called party where a privacy indicator has been triggered by the caller.³ Middletown asserts that the prohibition on transmission of CPN hinders a rapid response by security personnel and local law enforcement to threatening calls made to the schools in its district.⁴ With this public notice we seek comment on the issues raised in this petition.

Middletown is a public school district with a student body composed of approximately 7,500 students and 700 employees.⁵ Since June 2015, Middletown reports receiving twelve "active shooter and bomb threats" from callers using restricted CPN, triggering lock-down procedures at its schools.⁶ Middletown states that the telecommunications carriers serving it are bound by the CPN privacy rules, and parties placing threatening or harassing calls often use the CPN privacy indicator to hinder authorities from identifying them.⁷ Middletown argues that reducing the time it takes to identify and apprehend the

¹ See Petition of Enlarged City School District of Middletown for Waiver of Federal Communications Commission Regulations at 47 CFR § 64.1601(b) Re: Calling Party Numbers, dated Feb. 18, 2016 (Middletown Petition).

² The term "calling party number" is defined in the Commission's rules as "the subscriber line number or the directory number contained in the calling party number parameter of the call set-up message associated with an interstate call on a Signaling System 7 network." See 47 CFR § 64.1600(e).

³ 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."

⁴ Middletown Petition at 5.

⁵ *Id.* at 3.

⁶ *Id.*

⁷ *Id.* at 5.

perpetrators of these threats by providing it with more timely information on which to make safety determinations will better serve the public interest than strict application of the rule.⁸

Specifically, Middletown argues a waiver of section 64.1601(b) will serve the public interest by enabling the school district to better protect its students by allowing it to provide a more rapid response to threatening calls.⁹ Middletown suggests special circumstances also warrant a waiver, noting that its school district is a narrow and well-defined public institution, making a waiver predictable, workable, and not subject to discriminatory application.¹⁰ In addition, Middletown notes that a similar waiver was granted to the Liberty Public School District of Kansas City, Missouri.¹¹ Lastly, Middletown, along with a private telecommunications carrier, provides some of its own telecommunications and security functions, making it possible to ensure that privacy requests remain private when they do not involve a threatening call.¹² Middletown proposes to ensure that any waiver granted abides by the conditions imposed when similar waivers were granted, including ensuring that the CPN of incoming restricted calls will be stored securely on a private drive, and will be accessible only to specific individuals who will keep such information confidential.¹³ Middletown indicates that restricted telephone numbers will be deleted after a week unless a threatening event occurs, the CPN will not be passed to the line called, and will be passed to law enforcement only in secure communications.¹⁴

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. 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 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.
- 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.

⁸ *Id.* at 6.

⁹ *Id.* at 9.

¹⁰ *Id.* at 12.

¹¹ *Id.* at 9 (citing *Petition of Liberty Public School District for Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b)*, CC Docket No. 91-281, Memorandum Opinion and Order, 28 FCC Rcd 6412 (2013)).

¹² *Id.* at 13.

¹³ *Id.* at 14.

¹⁴ *Id.*

- 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.

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This proceeding 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 and Governmental Affairs Bureau, Federal Communications Commission, (717) 338-2797 (voice) or Richard.Smith@fcc.gov.

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¹⁵ 47 CFR §§ 1.1200 *et seq.*