



PUBLIC NOTICE

Federal Communications Commission
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DA 17-222
March 3, 2017

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON WAIVER REGARDING ACCESS TO CALLING PARTY NUMBERS ASSOCIATED WITH THREATENING PHONE CALLS MADE TO JEWISH COMMUNITY CENTERS

CC Docket No. 91-281

Comment Date: March 17, 2017
Reply Comment Date: March 24, 2017

With this Public Notice, we seek comment on whether Jewish Community Centers (JCCs) should be granted a waiver of section 64.1601(b) of the Commission's rules, which prohibits terminating carriers from passing the calling party number (CPN)¹ to a called party where a privacy indicator has been triggered by the caller. Access to the CPN could assist in identifying individuals placing threatening calls to those facilities.²

Senator Charles E. Schumer has requested action from the Commission in response to recent phone threats made against various JCCs in New York and across the nation.³ Specifically, he indicates that there have been 69 such incidents involving 54 JCCs in 27 states since the beginning of 2017.⁴ According to information provided by Senator Schumer, these threatening calls have resulted in disruption and have spread fear in the communities that utilize these facilities, including many preschool children. Senator Schumer notes that the Commission has played a valuable role in assisting other entities that have received similar threatening calls in the past by granting CPN

¹ 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).

² 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."

³ See Letter from Senator Charles E. Schumer to Chairman Ajit Pai, FCC, dated Feb. 28, 2017 (Schumer Letter).

⁴ *Id.* at 1.

waivers to assist in tracking perpetrators who hid behind blocked numbers.⁵ He indicates that a similar waiver may be useful in this instance to ensure that law enforcement has the resources to investigate and thwart attacks, and seeks consideration of that option.⁶

Given the exigent circumstances and number of recent threats cited, we separately grant, on an emergency and temporary basis, a waiver of section 64.1601(b) as applied to threatening calls made to JCC facilities.⁷ We seek comment herein on whether to extend that waiver on a permanent basis, including ways to best facilitate the ability of law enforcement to identify individuals making such threatening calls while maintaining the privacy of callers who utilize CPN blocking for lawful purposes.

Comments and Reply Comments. Pursuant to sections section 4(j) of the Communications Act of 1934 and section 1.1 of the Commission's rules,⁸ 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: (1) the Commission's Electronic Comment Filing System (ECFS); or (2) by filing paper copies.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <http://www.fcc.gov/ecfs/>
- 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.
- 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.

⁵ *Id.* (citing *Rules and Policies Regarding Calling Number Identification Service – Caller ID; Petition of Enlarged City School District of Middletown for Waiver of Federal Communications Commission Regulations at 47 CFR 64.1601(b)*, CC Docket No. 91-281, 31 FCC Rcd 3565 (2016) (granting a waiver of section 64.1601(b) of the Commission's rules to a school district that had received a number of threatening calls).

⁶ Schumer Letter at 2.

⁷ *See Rules and Regulations Regarding Calling Number Identification Service – Caller ID; Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b) on Behalf of Jewish Community Centers*, CC Docket No. 91-281, Temporary Waiver Order (DA 17-223) (rel. Mar. 3, 2017).

⁸ 47 U.S.C § 154(j); 47 CFR § 1.1.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Comments and reply comments filed in response to this Public Notice will be available via ECFS. These documents also will be available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554.

Accessibility Information: 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 and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ 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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⁹ 47 CFR §§ 1.1200 *et seq.*