



Federal Communications Commission
Washington, D.C. 20554

March 29, 2018

DA 18-317

Small Entity Compliance Guide

Rules and Policies Regarding Calling Number Identification Service – Caller ID

FCC 17-132
CC Docket No. 91-281

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In its *Report and Order* in CC Docket 91-281, the Commission amended rules¹ that are intended to provide a more streamlined approach to investigating threatening calls from a blocked number. Additionally, the *Report and Order* amends the Commission's rules to allow non-public emergency services to obtain blocked Caller ID information associated with calls requesting assistance.²

Specifically, in the *Report and Order* the Commission amended its rules to (a) create an exemption from Caller ID privacy rules for threatening calls with blocked Caller ID, and (b) create an exemption from Caller ID privacy rules for calls to non-public emergency services from a blocked Caller ID. The decisions in the *Report and Order* streamline the investigation of threatening calls by removing the waiver process the Commission previously used.

The decisions made in this *Report and Order* will help law enforcement investigate threatening calls and places the burden of determining what constitutes a threatening call on law enforcement rather than small businesses.³ Also, these decisions will aid in the provision of private emergency services to callers with blocked Caller ID. At least one large, private emergency service, Chevrah Hatzalah Volunteer Ambulance Corps Inc. (Hatzalah), operates using a computer-aided dispatch system "that provides dispatchers with instant caller identification and location for calls received from areas where it provides ambulance service. This...system eliminates the need for the dispatcher to obtain contact information from the caller, who may be unable to provide it due to the emergency that prompted the call."⁴ The *Report and Order* now allows non-public emergency services⁵ to return a call if the calling party has blocked caller ID but is disconnected, and allows such services to obtain caller location information using a computer-aided dispatch system when location information cannot be readily obtained from callers in distress.⁶

II. COMPLIANCE REQUIREMENTS

The *Report and Order* creates exemptions from the caller ID privacy rules of section 64.1601(b) of the Commission's rules, which requires that "originating carriers . . . will recognize *67 dialed as the first three digits of a call . . . as a caller's request that the CPN [(calling party number)] not be passed on an interstate call."⁷ In the new exemptions outlined below, carriers must reveal the CPN of a threatening call to either law enforcement or security personnel, as directed by law enforcement, or to non-public emergency services, respectively.

¹ *Rules and Policies Regarding Calling Number Identification Service — Caller ID*, CC Docket No. 91-281, Report and Order, FCC 17-133, 2017 WL 4863850, at *2, para. 7 (rel. Oct. 25, 2017) (*Caller ID Order*).

² *Caller ID Order*, 2017 WL 4863850, at *7, para. 24.

³ *See id.* at *5, para. 17.

⁴ *Petition of Chevrah Hatzalah Volunteer Ambulance Corps Inc. for Waiver of Section 1601(b) of the Commission's Rules – Blocked Telephone Numbers*, CC Docket No. 91-281, Order, 28 FCC Rcd 1253, para. 6 (CGB 2013) (*Hatzalah Order*).

⁵ *Caller ID Order*, 2017 WL 4863850, at *7, para. 29 ("...entities providing emergency services must be licensed by a state or municipality to provide such services to qualify for this exemption.").

⁶ *See Caller ID Order*, 2017 WL 4863850, at *7, para. 25.

⁷ 47 CFR § 64.1601(b).

The *Report and Order* creates exemptions from the Caller ID privacy rules as follows: (1) Section 64.1601(b) [requiring carriers uphold Caller ID privacy requests] “shall not apply when CPN delivery is made in connection with a threatening call. Upon report [to the carrier] of such a threatening call by law enforcement on behalf of the threatened party, the carrier will provide any CPN of the calling party to law enforcement and, as directed by law enforcement, to security personnel for the called party for the purpose of identifying the party responsible for the threatening call.”⁸ (2) Section 64.1601(b) [requiring carriers uphold Caller ID privacy requests] shall not apply when CPN delivery “[i]s used on a public agency’s emergency telephone line or in conjunction with 911 emergency services, on a telephone line to contact non-public emergency services licensed by the state or municipality, or on any entity’s emergency assistance poison control telephone line.”⁹

Threatening Call from a Blocked Caller ID Exemption (47 CFR § 64.1601(f))

- Under the amended rules, when law enforcement reports a threatening call, carriers are now required to reveal the blocked Caller ID of a threatening call to law enforcement and, as directed by law enforcement, to security personnel.
- More specifically, carriers must disclose the information to law enforcement when law enforcement makes a request on behalf of the threatened party. Law enforcement alone determines the credibility of the threat.
- The Commission will no longer use the waiver process to unblock the Caller ID of threatening calls from a blocked number.

Caller to Non-Public Emergency Services from Blocked Caller ID Exemption (47 CFR § 64.1601(d)(4)(ii))

- Under the amended rules, carriers are now required to reveal the number of a caller with a blocked Caller ID who is requesting assistance from a non-public emergency service.
- More specifically, when contacted by a non-public emergency service, carriers will reveal the relevant CPN to the non-public emergency service for the provision of emergency aid.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *Report and Order* contains a new reporting requirement for the exemption of threatening calls¹⁰ and call to non-public emergency services from Caller ID privacy rules.¹¹

- Carriers must reveal blocked Caller ID associated with a threatening call to requesting law enforcement officers or security personnel, as directed by law enforcement.
- Carriers must reveal blocked Caller ID associated with a call for assistance to non-public emergency services to such services for the provision of emergency aid.

IV. IMPLEMENTATION DATE

⁸ 47 CFR § 64.1601(f); *see Caller ID Order*, 2017 WL 4863850, at *5, *7, paras. 16-18, 23.

⁹ 47 CFR § 64.1601(d)(4)(ii); *see Caller ID Order*, 2017 WL 4863850, at *7, para. 25.

¹⁰ *Caller ID Order*, 2017 WL 4863850, at *2, para. 7.

¹¹ *Id.* at *7, para. 24.

The following rules in the Report and Order became effective on January 2, 2018, except for 47 CFR §§ 64.1601(d)(4)(ii) and (f), which contain new or modified information collection requirements that require review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA): 47 CFR §§ 64.1600(l), 64.1601(d)(4)(ii), 64.1601(f). 47 CFR §§ 64.1601(d)(4)(ii) and (f) shall become effective 30 (thirty) days after the Commission's publication of a document in the Federal Register, which will announce approval by OMB under the PRA.

V. Weblinks

A copy of the *Caller-ID Order* is available at:

https://apps.fcc.gov/edocs_public/Query.do;jsessionid=7N4ZhG1V4QWjyhZqtTq3VQyd8WC7YLyVbJRBp1k9QbNjvh51YGy6!1069318805!1284568789?numberFld=&numberFld2=&docket=&dateFld=10%2F25%2F2017&docTitleDesc=Rules+and+Policies+Regarding+Calling+Number+Identification+Service+%96+Caller+ID

A copy of the Federal Register Summary of the *Caller-ID Order* is available at:

<https://www.federalregister.gov/documents/2017/12/01/2017-25917/calling-number-identification-service-caller-id>