

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Rules and Policies Regarding ) CC Docket No. 91-281  
Calling Number Identification )  
Service -- Caller ID )

MEMORANDUM OPINION and ORDER

Adopted: October 4, 1996

Released: October 4, 1996

By the Chief, Common Carrier Bureau:

I. INTRODUCTION

1. On July 8, 1996, Pacific Bell filed a petition for a limited waiver of the Commission's Caller Identification ("Caller ID") privacy rules. Specifically, Pacific Bell requests a waiver of the \*82 unblocking requirement, for calls that originate on its Siemens Stromberg Carlson Digital Community Office ("DCO") switches, until June 1, 1997. The petition was placed on public notice and no comments were filed.<sup>1</sup> For the reasons discussed below we grant Pacific Bell's request.

II. BACKGROUND

A. Caller ID Rules

2. The Commission's Caller ID rules took effect, with limited exceptions, on December 1, 1995. The rules require common carriers using Signaling System 7 ("SS7") to transmit the calling party number ("CPN") to interconnecting carriers on an interstate call.<sup>2</sup>

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<sup>1</sup> Public Notice, "Commission Seeks Comment on Pacific Bell's Request for a Limited and Temporary Waiver of Certain Caller ID Requirements," CC Docket No. 91-281, released July 24, 1996.

<sup>2</sup> 47 C.F.R. § 64.1601(a).

The rules also require common carriers to notify subscribers that their telephone numbers may be identified by the called party.<sup>3</sup>

3. In addition to CPN transmission and subscriber notification requirements, the Commission developed rules to protect the privacy of the called, and the calling, party. Section 64.1601(b) requires carriers to recognize \*67 as a request for privacy. This process, referred to as per call blocking, allows subscribers to block their numbers from transmission to the public switched network by dialing \*67 before placing a call. Carriers must also recognize \*82 as a request that privacy not be provided on a blocked line.<sup>4</sup> This requirement is referred to as per call unblocking and it allows subscribers that have permanently blocked lines ("per line blocking") to unblock their lines and allow passage of the CPN.

#### **B. Pacific Bell's October 5, 1995 Petition**

4. On October 5, 1995, Pacific Bell filed a petition requesting a waiver of the Commission's \*82 requirement for its 36 DCO switches, until October 25, 1997. Pacific Bell stated that it would have to conduct software upgrades on its DCO switches in order provide \*82 unblocking capabilities. Pacific Bell argued that it planned to replace all of the DCO switches by October 25, 1997, and thus it would be economically inefficient to upgrade and to replace the switches in the same year.

5. The Bureau denied Pacific Bell's request on the ground that Pacific Bell could advance its replacement schedule for the DCO switches.<sup>5</sup> The Bureau, however, did stay the effectiveness of the \*82 requirement for all carriers, for calls originating on lines served by DCO switches, until January 1, 1997.<sup>6</sup> This requirement was stayed in response to carriers that requested waivers on the ground that the \*82 software would not be available until June 1996.<sup>7</sup> The Bureau also stayed the requirement that carriers provide customer notification regarding the \*82 unblocking capability.<sup>8</sup> Finally, the Bureau stayed the ban against using \*67 as an alternative unblocking code, and permitted, but did not require, carriers to use \*67 for this purpose.<sup>9</sup>

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<sup>3</sup> 47 C.F.R. § 64.1603.

<sup>4</sup> 47 C.F.R. § 64.1601(b).

<sup>5</sup> See In the Matter of Rules and Policies Regarding Calling Number Identification Service -- Caller ID, 11 FCC Rcd 1743, 1751 (1995) ("November 30th Order").

<sup>6</sup> Id. at 1749.

<sup>7</sup> Id. at 1745- 49.

<sup>8</sup> Id. at 1749.

<sup>9</sup> Id.

### C. Pacific Bell's July 8, 1996 Petition

6: On July 8, 1996, Pacific Bell filed a petition with the Commission requesting a waiver of the Commission's \*82 requirement for its DCO switches until June 1, 1997. Pacific Bell states that it would have to make extensive software upgrades to its DCO switches in order for those switches to provide \*82 unblocking. Pacific Bell also states that it would be inefficient to do extensive software upgrades on these switches in 1996 since it plans to replace them in the first half of 1997. Pacific Bell further states that it would be unable to replace all 36 switches by the January 1, 1997 deadline, in part because of difficulty in obtaining the necessary replacement switches from the manufacturer. Pacific Bell also states that it has accelerated its switch replacement schedule to the extent possible and will replace 16 of its 36 DCO switches before the end of 1996.

7. Finally, Pacific Bell argues that only a small number of customer lines would be affected by the waiver. Pacific Bell states that it serves approximately 15 million customer lines, that the 20 DCO switches<sup>10</sup> at issue here serve 46,000 customer lines, and that approximately 18,400 customers with lines terminating at these DCO switches have requested per-line blocking capability and would be affected if the waiver were granted.

### III. DISCUSSION

8. The Commission may waive any provision of its rules, in whole or in part, if good cause is shown. 47 C.F.R. §1.3.<sup>11</sup> We find that Pacific Bell has shown good cause for a waiver in this case. We agree that it would be inefficient for Pacific Bell to conduct extensive software upgrades on switches that it will replace by June 1, 1997. In addition, Pacific Bell indicates that it accelerated its switch replacement schedule to the extent possible, and that granting its request will affect only 0.12 percent of its total customer lines. Finally, we note that no objections have been filed regarding this waiver request, and the waiver is only being granted for a limited time. Under these circumstances we conclude that granting the waiver will serve the public interest.

9. Accordingly, Pacific Bell's request for a waiver of the \*82 requirement for the DCO switches until June 1, 1997 is granted. Consistent with our previous order, the rule provision that would bar Pacific Bell from using \*67 as an unblocking device and permit, but not require, Pacific Bell to use \*67 as an alternate unblocking device for lines served by

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<sup>10</sup> Pacific Bell's September 27, 1996 Ex Parte Letter, Attachment II - 1997 Stromberg Carlson Replacement Schedule.

<sup>11</sup> See also Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (waiver appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest).

DCO switches also is waived. We further waive our customer notification requirement regarding \*82 unblocking capability, as it applies to Pacific Bell's DCO switches, for the duration of the waiver.

10. To assist the Bureau in monitoring Pacific Bell's prospective compliance with the Commission's rules, this waiver of our Caller ID rules for lines served by DCO switches is conditioned on a requirement that Pacific Bell file periodic reports with the Network Services Division of the Common Carrier Bureau. Pacific Bell shall file reports on January 15, 1997, March 3, 1997, April 15, 1997, and May 15, 1997. The reports shall contain the following information: (1) the status of DCO switch replacements; (2) the status of any operating (generic) software upgrades to the DCO switches; and (3) an updated schedule, with explanation of any failures to meet the previous schedule and corrective action being taken.

11. To the extent Pacific Bell is unable to replace the DCO switches at issue herein by June 1, 1997, it shall perform the necessary software upgrades to ensure full compliance with the Commission's Caller ID rules by June 1, 1997.

#### **IV. ORDERING CLAUSES**

12. Accordingly, IT IS ORDERED, pursuant to the authority delegated in Section 0.91 of the Commission's rules, 47 C.F.R. § 0.91 and Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that the effectiveness of the Commission rules contained in Section 64.1601(b), which require a carrier to recognize \*82 as a caller's request that privacy not be provided and bar a carrier from recognizing \*67 as a caller's request that privacy not be provided, as these rules apply to lines served by Pacific Bell's Siemens Stromberg Carlson DCO switches, IS WAIVED until June 1, 1997.

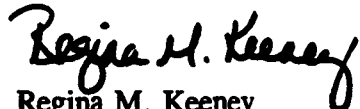
13. IT IS FURTHER ORDERED, pursuant to authority delegated in Section 0.91 of the Commission's rules, 47 C.F.R. § 0.91; and Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that effectiveness of the Commission's rule contained in Section 64.1603, which requires a carrier to provide customer notification regarding the \*82 unblocking capability, as it applies to lines served by Pacific Bell's Siemens Stromberg Carlson DCO switches, IS WAIVED until June 1, 1997.

14. IT IS FURTHER ORDERED that Pacific Bell's request for a temporary waiver of the \*82 requirement for 20 Siemens Stromberg Carlson DCO switches IS GRANTED until June 1, 1997.

15. IT IS FURTHER ORDERED that the grant of Pacific Bell's waiver request is conditioned on Pacific Bell's compliance with the requirements imposed by this Order.

16. IT IS FURTHER ORDERED that this order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION



Regina M. Keeney  
Chief, Common Carrier Bureau