

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

Today's action is just one part of a broader effort by this Commission to ensure the protection of customer proprietary network information ("CPNI") and address concerns that this information may have been improperly made available to third parties in violation of our rules. By issuing this Notice of Apparent Liability, we make clear that we will not tolerate the refusal of companies such as data broker 1st Source Information Specialists, Inc., d/b/a/ LocateCell.com ("LocateCell") to cooperate with lawful requests for information related to alleged violations of our rules. It is critical that we take a firm stand against those that would obstruct the Commission's statutory authority to investigate matters pertaining to CPNI.

LocateCell is not the only company from which the Commission has sought information. Our Enforcement Bureau has been actively investigating a number of these data brokers, many of which have advertised the availability of records of wireless subscribers' incoming and outgoing telephone calls, as well as certain landline toll call records, for a fee. The Bureau is also investigating the alleged failure of carriers to certify compliance with our CPNI rules, and is vigorously pursuing non-compliant companies. These investigations will continue, and I thank the Bureau for its work in moving these initiatives forward.

In addition to these investigatory actions, the Commission is actively engaged in a rulemaking that examines the need for tougher privacy rules, including an analysis of measures proposed by the Electronic Privacy Information Center (EPIC) intended to more adequately protect CPNI. I look forward to closely coordinating with my colleagues on the important issues under consideration in this related proceeding.

The depth and breadth of these undertakings illustrate the seriousness with which the Commission views its role in ensuring the security of CPNI. I commend the Chairman for his steady, reasoned leadership on these multiple fronts.

Like most Americans, I am deeply troubled by reports of companies unlawfully obtaining and marketing personal telephone records. The Commission has a vital obligation to protect the privacy and security of customer telephone records from those entities that would seek to acquire that information through unlawful means. Improperly exposing call records – which indicate who is being called, how long the call lasts, and, in the wireless context, the physical areas within which a given call is placed and delivered – is a grievous invasion into the victim's personal life.

We cannot compromise our ability to protect customers' private telephone records from unauthorized disclosure. We will not tolerate LocateCell's refusal to cooperate with our investigation. For these reasons, I support today's decision to issue a Notice of Apparent Liability to and forfeiture against LocateCell.