

Decision No. 61444**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation of all telephone
 corporations concerning records
 of devices for overhearing tele-
 phone communications and steps
 taken to insure privacy of such
 communications.

Case No. 6048

FIRST SUPPLEMENTAL OPINION AND ORDER

On July 8, 1958 the Commission issued Decision No. 56956 herein which established General Order No. 107. The Commission issued General Order No. 107 as the means of complying with the provisions of Sections 7905 and 7906 of the Public Utilities Code. Section 7905 provides for the Commission to issue regulations requiring telephone corporations to maintain records of all known instances where devices have been installed on telephone lines for the purpose of overhearing communications. Section 7906 provides that the Commission shall regularly make inquiry of utilities to determine if adequate steps are taken to assure privacy of communications.

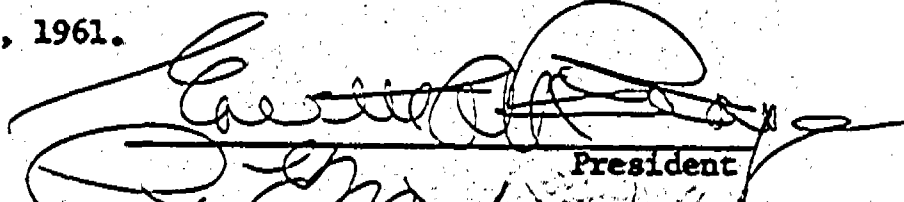
The number of instances reported of devices for overhearing telephone conversations amount to only some 20 per year and these instances are reported by only three or four of the larger utilities. Under the present General Order, a utility is not required to report where there are no instances of finding of devices for overhearing of conversation or no changes in rules or forms during the year. So few reports are received each year that the Commission is without knowledge of possible errors or omissions on the part of utilities. The present General Order does not appear to accomplish the objective of regular inquiry of the utilities on these matters.

The Commission has reconsidered this matter and is of the opinion that General Order No. 107 should be revised so that all telephone utilities will report annually whether or not instances of overhearing devices are found or rules are changed. Also, it appears that four copies are no longer required and the revised General Order will require only one copy; therefore,


IT IS ORDERED that General Order No. 107 be rescinded and replaced by General Order No. 107-A as set forth on Appendix A hereof.


The effective date of this order shall be twenty days after the date hereof.


Dated at San Francisco, California, this 7th day of FEBRUARY, 1961.

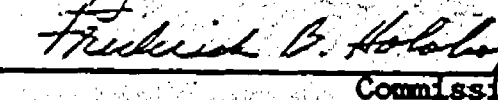


 President









 Commissioners

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GENERAL ORDER NO. 107-A

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES AND REGULATIONS CONCERNING THE PRIVACY OF
TELEPHONE COMMUNICATIONS

A. Pursuant to Section 7905 of the Public Utilities Code,

IT IS HEREBY ORDERED that each telephone corporation subject to the jurisdiction of the Commission shall maintain complete records of all instances in which its employees discover any devices installed for the purpose of overhearing communications over the lines of such corporation and all instances in which such employees reasonably believe and report to the corporation that such device is installed or has been installed but has since been removed.

IT IS HEREBY FURTHER ORDERED that each such telephone corporation shall file with the Commission on or before the 31st day of March each year one copy of a report of all instances in which its employees discover any devices installed for the purpose of overhearing communications over the lines of such corporation and all instances in which such employees reasonably believe and report to the corporation that such device is installed or has been installed but since been removed. This report shall cover the immediately preceding calendar year and shall include the date, name of subscriber, telephone number, location of service, nature of case, description of such device, circumstance of discovery and designation of lines involved in each discovery of such devices, by whom reported, action taken, and disposition of the case. Such reports will be labeled "confidential" and will be so treated by the Commission as to details the disclosure of which, in the Commission's opinion, would be adverse to the public interest.

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- B. Pursuant to Section 7906 of the Public Utilities Code,
IT IS HEREBY ORDERED that each telephone corporation subject to the jurisdiction of the Commission shall maintain a central file available for Commission inspection of all instructions to employees, regulations, rules and forms designed to insure the privacy and/or maintain the secrecy of communications over the lines of such corporation together with a record of the steps taken to insure the privacy of and/or secrecy of communications.
- C. IT IS HEREBY FURTHER ORDERED that each such telephone corporation shall file with the Commission on or before the 31st day of March of each year one copy of a statement showing any changes in the steps being taken to insure privacy of and/or secrecy of communications together with one copy of any new or revised instructions, regulations, rules and/or forms being used.
- D. IT IS HEREBY FURTHER ORDERED that each such telephone corporation which does not have instances during the year under Section A above and/or changes under Section C above shall file with the Commission on or before the 31st day of March each year one copy of a statement indicating it has no instances or changes during the year.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
R. J. Pajalich, Secretary