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Decision 96-04-049 April 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on)	
the Commission's Own Motion)	R.95-04-043
into Competition for Local)	(Filed April 26, 1995)
Exchange Service.)	
_____)	
)	
Order Instituting Investigation on)	
the Commission's Own Motion)	I.95-04-044
into Competition for Local)	(Filed April 26, 1995)
Exchange Service.)	
_____)	

INTERIM OPINION ADOPTING COMPETITIVE LOCAL CARRIERS
CUSTOMER NOTIFICATION AND EDUCATION RULES
FOR CALLING PARTY NUMBER PASSAGE

It is necessary for the Commission to ensure that competitive local carriers (CLCs) notify and educate customers about the privacy implications of calling party number passage, just as it has required of local exchange carriers (LECs). Therefore, by this decision, CLC customer notification and education rules are adopted.

1. Background

In Commission decisions granting interim authority to Pacific Bell, Contel of California, Inc., and GTE California Incorporated to provide certain new privacy-related Custom Local

Access Signaling Services (CLASS) features,¹ the Commission adopted certain conditions the applicant utilities needed to meet prior to making the features available to customers. The development, approval, and implementation of a customer notification and education plan (CNEP) was among these conditions.

In adopting the CNEP requirement, the Commission "outline[d] the principles, goals, central messages, and methods of the kind of utility customer education plan we believe is essential to fully inform California citizens about the implications of these new services and enable them to protect their rights."² Further, the Commission stated that, as a result of the notification and education plan, there should be a reasonable assurance that the display of the calling party's number to the call recipient will be the result of the calling party's informed consent.³ With this guidance and specific directives, the applicant utilities were instructed that privacy-related CLASS features were not to be provided until the applicants made a showing, approved by the Commission, indicating

¹ See Decision (D.) 92-06-065 (44 CPUC 2d 694) and D.92-11-062 (46 CPUC 2d 482), collectively referred to as "Caller ID decisions". Privacy-related CLASS features include, for example, Call Return, Call Block, and Caller ID.

² D.92-06-065, 44 CPUC 2d at 716.

³ Id.

compliance with the customer notification and education requirements, adopted in 1992

On May 4, 1995, the Federal Communications Commission (FCC) adopted "Memorandum Opinion And Order On Reconsideration, Second Report And Order And Third Notice Of Proposed Rulemaking" (Recon Order). In relevant part, the Recon Order requires all LECs to pass calling party number (CPN) to interconnecting carriers starting December 1, 1995. It also provides that carriers with a compelling need for more time may seek and obtain a waiver from the FCC.⁴ Further, FCC regulation, like the Commission's informed consent threshold, provides that "notification must be effective in informing subscribers how to maintain privacy."⁵ The Recon Order supports each state's role in providing carriers notification and education guidelines or requirements. It expressly confirms that "California has considerable discretion to assure that its education programs address unique situations in that state."⁶ As the Commission Advisory and Compliance Division (CACD) stated in its June 22, 1995, data request to all California LECs, the Commission reads its decisions and the FCC Recon Order as requiring all LECs to

⁴ Recon Order, ¶ 83. The December 1, 1995 implementation deadline was subsequently relaxed to June 1, 1996, by an FCC order which ruled on the waiver requests of a number of California carriers.

⁵ See 47 C F R. § 64.1603.

⁶ Recon Order, ¶ 92 (emphasis added).

comply with our CNEP requirements prior to passing CPN, whether or not those carriers offer Caller ID services.

On December 20, 1995, the Commission adopted a resolution which authorized Pacific Bell to implement a CNEP subject to certain conditions.⁷ Also on that date, a number of CLCs were granted authority to offer local exchange service.⁸ On January 5, 1996, CLCs attended a workshop to discuss the CNEP requirements placed on LECs, any suggested differences in approach warranted since CLCs and LECs face different circumstances, and the Commission's privacy-related concerns regarding the passage of CPN. It is against this backdrop that the need for establishing rules for CLCs to notify and educate customers about privacy-related issues attending the passage of calling party number arises.

2. Proposed Rules

The proposed rules were published on February 16, 1996, for comment. They follow the CNEP requirements the Commission has placed on LECs, but differ in a significant respect, brought to light, in part, at the January workshop. That is, recognizing that CLCs do not have a large customer base (and perhaps in some circumstances, no customers at this time) the CLC CNEP rules do not require the education process to begin with the mailing of a bill insert to customers. Rather, these rules place the emphasis

⁷ See Resolution T-15827.

⁸ See D.95-12-057.

for initial notice and education with the account representative who first signs up a new customer

3. Comments and Resulting Rule Modifications

Twelve parties filed comments on the proposed rules.⁹ Most commenters generally support the need for carriers to notify and educate customers. However, some commenters suggest specific changes to improve the effectiveness and/or reduce the cost and administrative burdens associated with the rules.

3.1 Privacy As Message Focus (Rules 2, 8, and 9)

UCAN suggests changes to Rules 2 and 9 to ensure the education efforts achieve the "informed consent" goal we articulated in our Caller ID decisions. UCAN argues that this requires consumers to be fully informed about the privacy consequences of calling party number passage and Caller ID. To that end, UCAN suggests Rules 2(a) and 9(b) include a statement that transmission of a customer's number will have an impact on their privacy.

⁹ The parties who filed comments are: Utility Consumers' Action Network (UCAN); California Telecommunications Coalition (Coalition), which includes long-distance carriers, CLCs, and other local exchange providers and competitors; Southern Christian Leadership Conference, National Council of La Raza, Korean Youth and Community Center, Filipinos for Affirmative Action, and Filipino Civil Rights Advocates, filing jointly (SCLC, et al.); Pacific Lightwave and GST Lightwave, filing jointly (Lightwave); Division of Ratepayer Advocates (DRA); GTE California (GTEC); and Pacific Bell (Pacific).

Lightwave argues that the education and notification services the rules would require should not be mandatory because education and notification on CPN and Caller ID is not a matter of public safety, but rather a matter of personal responsibility. Lightwave argues that notification and education at any level constitutes a costly exercise, and government cannot require every service provider to undertake an education program "even where inherently dangerous instrumentalities or the waiver of substantive rights [like privacy] may be at issue."

In our initial consideration of CLASS features, we thoroughly addressed privacy implications and determined notification and education necessary where privacy would be affected. Lightwave's arguments do not compel us to modify those findings nor to relieve a segment of the local carrier market of the responsibility to notify and educate customers.

In the CNEPs reviewed and approved for implementation by the Commission to date, we have been careful to ensure that the potential privacy consequences of Caller ID are communicated to customers. UCAN's request is consistent with our approach to notification and education, and makes explicit what we expect carrier's CNEP messages to address. Therefore, we will modify Rules 2(a) and 9(b) to require CLCs to inform subscribers that Caller ID service will impact a subscriber's privacy.

DRA agrees with the informed consent goal, and with the appropriateness of CLC education beginning with the account representative who first signs up a new customer. However, DRA

notes that to achieve informed consent, the account representatives must be adequately trained. Therefore, it urges the Commission to require the CLCs to prepare and include account representative training documents as part of their CNEPs

The CNEPs submitted by, for example, Pacific and GTEC included account or sales representative scripts and training materials pursuant to Ordering Paragraph 7 g. of our final Caller ID decision.¹⁰ This ordering paragraph was the basis for Proposed Rule 10. It is expected that the CLC CNEP materials filed pursuant to Rule 6 will include sales representative scripts and training materials.

DRA has an additional concern which may be addressed by modifying Proposed Rule 2. DRA points out that a CLC may sign up a new customer prior to Commission approval of the CLC's CNEP. It suggests that CLCs should be required to personally contact each of those customers as part of its initial notification.

DRA's observation is valid, and its recommended solution reasonable. Therefore, we will require CLCs to contact any customers for whom service was initiated prior to approval of the CNEP with the information contained in Rule 2.

SCLC, et al., also emphasizes the need to achieve informed consent. It suggests a modification of Rule 8 to

¹⁰ See D.92-11-062, Attachment 1 (46 CPUC 491), which contains the post-rehearing order conformed ordering paragraphs. All subsequent references to ordering paragraphs refer to this decision.

clarify an ambiguity it believes arises from the use of the term "customer messages." It fears CLCs may regard customer messages as some subset of the CNEP elements, rather than encompassing all communications with customers on Caller ID and CPN. It suggests the term "customer notification and education efforts" be substituted for "customer messages" in Rule 8. We adopt this suggestion.

UCAN also asks that Proposed Rule 2(e) be modified so that customers receive notice of the charges for changing their blocking option once their "one time free" change has been used. Though a good idea, we have not required this of the incumbent carrier CNEPs and, in fairness, will not require it of CLCs.

3.2 Toll-free Information and Blocking Verification
(Rules 3 and 11)

The Coalition asks that the CLCs be relieved of the proposed Rule 3 and 11 requirements. Proposed Rule 3 requires the CLCs to establish a simple means of identifying the blocking status applicable to a particular telephone, and to inform customers of that means. The Coalition notes that the large LECs have set up a 24-hour toll-free number that, when called, identifies the blocking status of the line. Proposed Rule 3 does not require, however, that a blocking status 24-hour toll-free number be established. Proposed Rule 11 requires CLCs to establish a 24-hour toll-free number for subscribers to get information about CPN, the blocking options, and how they are used. The Coalition argues that CLCs are unlikely to have a

volume of calls to justify the dedication of additional personnel and toll-free lines. The Coalition believes that the general, as opposed to CPN-specific, customer information toll-free lines CLCs have established should suffice for educating customers and identifying the blocking status of a particular phone.

In reviewing and approving the implementation of smaller incumbent LECs' CNEPs, we have allowed the approach the Coalition suggests. We note, however, that these smaller carriers have taken additional steps to ensure the objectives behind the Rule 3 and 11 requirements are met. For example, many proposed providing customers with blocking choice stickers for their telephones so that the blocking status is readily identified; all have proposed that the customer representatives assigned to toll-free information telephones are educated on the privacy implications and blocking choices associated with CPN and Caller ID. We will allow CLCs to meet the objectives of Rule 3 and 11 in equally effective manners. We will modify Rule 11 to allow for equally effective alternative compliance.

3.3 "Deemed Approved" Advice Letter Procedure (Rule 6)

In light of the looming FCC June 1 deadline, both the Coalition and Lightwave suggest the Commission modify Rule 6 to provide that absent action by the Commission within 20 days of the filing of the CNEP materials in an advice letter, the CNEP be "deemed approved." This modification will ensure, the Coalition argues, that any necessary action by the Commission will be timely. The Coalition also asks that the lead time for filing

this advice letter be shortened in recognition of the limited time available between this decision publication and the June 1 deadline.

The "deemed approved" approach suggested by Lightwave and the Coalition is reasonable. We have been working diligently on the various CNEPs to ensure that meeting the June 1 deadline is not compromised by any delay in action on our part. The procedure suggested is consistent with our efforts. Therefore, Rule 6 shall be modified to establish a 10-day period from the filing of the advice letter for any protests, and to state that, unless action is taken by the Commission 20 days following the filing of the advice letter, it will be deemed approved.

The Coalition's request that the lead time for filing the advice letter be shortened is also reasonable in light of the limited time available prior to June 1. However, it is important that it not be delayed to the point that it compromises implementation of any approved CNEP prior to June 1. Therefore, Rule 6 shall be modified to provide that the advice letter shall be filed and served not less than 25 calendar days prior to passing calling party number.

However, we are concerned that, under this schedule, adequate review by CACD will be difficult at best given our resources and the volume of CLC CNEP advice letters we anticipate receiving. Similarly, it may be difficult for CLCs, relatively new to our processes, to timely submit a proposed CNEP which appropriately educates customers in compliance with these rules.

Therefore, to expedite development of CNEPs which comply with our rules, and to reduce the burden on our staff resulting from the accelerated review schedule we are adopting, we are appending to our rules model notice and education materials and a model confirmation letter. We expect CLCs to use these materials in developing their CNEPs.

3 4 Education Schedule (Rules 2 and 9)

Proposed Rule 2 lays out the Caller ID and blocking information which a CLC must provide in writing when offering new service in writing, or which a CLC must discuss with a prospective customer during a verbal solicitation (to be followed up in writing). Proposed Rule 9 establishes timeliness for the mailing of a blocking confirmation letter and notices by the carrier. Taken together, these two proposed rules ensure the new subscriber: (1) is educated on and notified of CPN and the related privacy issues, blocking options, blocking effectiveness, and blocking change rights; (2) receives confirmation of the blocking option applied to the subscriber's telephone; and (3) receives limited ongoing education.

The Coalition proposes a three-step alternative education schedule which it regards as equally effective. Though not completely clear from the comments, it appears the Coalition intends the first of these three steps to replace Proposed Rule 2. It would make permissive, rather than mandatory, the requirement that carriers discuss CPN, blocking options, and blocking charges during initial contacts with prospective

customers. The Coalition states that CLCs may initially communicate "under circumstances where a discussion of privacy issues would not be appropriate." (Coalition Comments, p. 5.) Further, that it believes most customers will already be aware of Caller ID and blocking alternatives because of the incumbent carriers.

The Coalition offers no insights or explanations for why a discussion of privacy issues associated with CPN and the selection of a blocking option would be inappropriate when signing up a new customer for service. It is not our intent to require a CLC conducting verbal solicitations to discuss the privacy issues and blocking options associated with CPN with potential subscribers who clearly indicate no interest in signing up with the CLC. It is our intent that in the event a prospective customer expresses interest in signing up with the CLC, the discussion of CPN-related privacy issues and blocking options occur, and be followed up in writing. We will modify Rule 2 and add a new Rule 3 to make this intent explicit. We will also modify Rule 2c to avoid a duplicative mailing, under Rule 9a, where the subscriber indicates blocking choice early in the solicitation and/or sign-up process. However, the CLCs will not be excused from educating customers about the privacy issues, blocking options, and blocking charges associated with CPN.

It appears the Coalition intends the next two steps of its three-step approach to replace Proposed Rule 9. The timing of the mailing of the Proposed Rule 9 letter and notices is

triggered by the subscriber's service start date. The Coalition states that it is unlikely that CLCs will operate sophisticated billing systems capable of generating unique bills based on a customer's length of service with the CLC. GTEC agrees and states that proposed Rule 9b is more burdensome than the ongoing education it is required to conduct.

Therefore, in the Coalition's second step, the mailing of the service agreement, if any, or the acknowledgment letter sent by the CLC to a new subscriber, would be the vehicle for indicating the blocking option chosen. The Coalition revised rule indicates the CLC "should again discuss this option with the subscriber when the agreement, if any, is finalized" (Coalition Comments, p. 5, emphasis added). However, under the proposed revisions, the CLC may or may not have had any prior discussion with the potential subscriber or provided the potential subscriber in writing any description of blocking options, charges, and Caller ID implications. Under these circumstances, the potential subscriber has little or no context in which to make a blocking choice.

In the final step, the Coalition proposes the CLC send the new subscriber a letter confirming the blocking option selected, and informing the subscriber of the alternative blocking option available and the right to change options one time free of charge. Alternatively, if the CLC already sent an acknowledgment letter within two weeks of the commencement of

service that explains the blocking issue, this requirement would be satisfied.

Although the Coalition states that notice is an important element of achieving informed consent, under its proposal, such notice is not required. It only suggests a CLC "should" confirm the blocking option chosen and the right to change blocking option one time free of charge within two weeks of initiating service, without providing the customer any information or context for why they might wish to select a blocking option.

The Coalition's concern regarding the triggering of the three education events described in Rule 9 needs to be addressed. Its proposed revisions offer some insights into how a CLC may efficiently and economically comply with the Proposed Rule 9 requirements. Rather than specifically require a letter, Proposed Rule 9a should be redrafted to allow a CLC to comply by providing the information, for example, along with the service agreement, if any, or an acknowledgment letter. We will not prescribe the written means, nor will we prescribe a certain time frame in which confirmation of blocking choice will occur. We will also note that if the CLC complied with Proposed Rule 2c, alternative 2, the CLC will have met the Proposed Rule 9a requirement. Also, Proposed Rule 9b should be modified to require the mailing of the additional general education notice by December 1996 and then annually thereafter. This eliminates the difficulty the Coalition identified with the timing of the

mailing being tied to customer-specific service initiation dates and better mimics the requirements we have placed on the incumbent LECs. With these changes, the three key education and notification elements contained in Proposed Rules 2 and 9, taken together, are retained, but are provided in a more efficient and economically feasible manner.

UCAN asks the Commission to modify Proposed Rule 9b to require information regarding how to access blocking (*67), and presumably unblocking options (*82). Our Proposed Rule 9b.2 is intended to include this information.

3.5 Multilanguage Education and Notification (Rule 10)

In Proposed Rule 10, CLCs are ordered to provide the various customer messages in many languages. SCLC, et al., strongly supports this approach as a recognition of the needs of California's diverse population. It suggests a modification to clarify that the CLCs be prepared to respond in many languages to customer telephone calls, as well as prepare written messages in many languages.

In reviewing the various small, incumbent carriers' CNEPs, we have been careful to balance the needs of the population served by the carriers with the costs of providing customer messages in many languages. As a result, we have relaxed this requirement for carriers who demonstrated in their CNEP filings; for example, that the population served is English speaking, and approved CNEPs which include written

notices in an additional one or two languages spoken in the population served. We have not required that the carriers employ multilingual service representatives solely to respond to telephone CNP-related inquiries from non-English-speaking customers, and will not require that of CLCs.

The Coalition suggests modifications to Proposed Rule 10 to achieve the Commission's goal of effectively educating and notifying non-English-speaking customers more efficiently. It suggests the creation of an industry-standard document to be used by all CLCs which explains the passage of CPN and the related privacy issues and blocking options. The Coalition suggests that this document be made available in the languages used by Pacific Bell in its CNEP. The Coalition argues that this approach will ensure broad distribution of the information in a number of different languages, while at the same time avoiding the imposition of an unreasonable burden on any particular CLC.

The Coalition's suggested multilanguage, standard educational notice is a good idea. In fact, our Caller ID decisions and Proposed Rule 1 encourage CLCs to work cooperatively with the local exchange carriers and our CACD to ensure the messages and terminology in the education campaigns are as similar as possible. We understand Pacific Bell has made its CNEP materials, including its multilanguage notice, available to other carriers for their use. It is reasonable for CLCs to prepare notices in compliance with Proposed Rule 10 in the same languages we found acceptable in Pacific's CNEP.

Nothing in our proposed rules prohibit the Coalition's approach to meeting the requirements. Therefore, no modifications to Proposed Rule 10 are necessary.

3.6 Periodic Compliance Report (Rule 13)

In Proposed Rule 13, the CLC is required to provide an annual compliance report. DRA argues that this requirement is unnecessary and questions what purpose would be served by requiring the reports. It argues that data on customers' choices of blocking options would appear to have limited utility.

This rule parallels the incumbent carrier requirement that appears in Ordering Paragraph 8. We intend to rely upon these reports in evaluating whether additional educational efforts are necessary to ensure our "informed consent" goal is being met. We will retain Proposed Rule 13.

3.7 Delays in Passing CPN (Rule 15)

DRA raises a concern that, pursuant to Proposed Rule 15, a CLC may have to seek an extension of the deadline for passing CPN from the FCC. However, Proposed Rule 15 only states that "[p]rivacy-related CLASS services shall not be provided by a CLC until the CLC has made a showing,...." It was not our intent to require the CLCs to demonstrate that they have notified all of their customers as required by the rules prior to passing CPN. Rather, that they must make such a showing prior to offering Caller ID and other privacy-related CLASS services.

3.8 Other Issues

DRA recommends that the price of any additional blocking change should be nominal--not more than \$5.00. Our rules governing CLC rates allow the CLCs broad discretion. Consistent with these rules, we will not impose a cap on the blocking change charge CLCs may impose.

In its comments, SCLC, et al. raises a concern that Caller ID, like ZIP codes, would be used as a tool for redlining by determining the geographic location of the caller. It therefore urges the Commission to have its staff investigate this issue as time passes to identify any causes for concern.

When we considered the applications of Pacific, GTEC, and Contel of California, Inc., we addressed the concern about redlining and directed our CACD staff to closely monitor any complaints of redlining or unlawful discrimination through the use of Caller ID service, and to bring any problems of that nature to our attention with recommendations for how such practices can be eliminated or controlled. That direction to staff is still in place and applies equally to any redlining or unlawful discrimination through the use of Caller ID service when that service is provided by a CLC.

Findings of Fact

1. The FCC has required all local exchange service providers to pass CPN to interconnecting carriers starting June 1, 1996, and provided that customers be informed of how to maintain privacy.

2. Since 1992, local exchange carriers who intend to offer privacy-related CLASS features have been required to conduct customer notification and education of the related privacy issues and blocking options

3. Since December 20, 1995, a number of CLCs were granted authority to offer local exchange service.

4. It is necessary for the Commission to ensure that the customers of CLCs are notified and educated about the privacy implications of calling party number passage.

5. On February 16, 1996, proposed rules governing CLC CNEP were published for comment.

6. Most commenters generally support the proposed rules and some suggest specific changes to improve the effectiveness and/or reduce the cost and administrative burdens associated with the rules.

Conclusions of Law

1. The requested changes to the Proposed Rules should be granted and denied as described above and detailed in the Attachment to ensure the "informed consent" goal is achieved in the most effective and efficient manner.

2. Since the FCC requires the passage of CPN on June 1, 1996, and the CLCs need to develop CNEPs immediately in order to seek approval and begin implementation in advance of that deadline, this decision should be effective immediately.

INTERIM ORDER

IT IS ORDERED that competitive local carriers shall comply with the attached "Competitive Local Carrier Customer Notification and Education Rules."

This order is effective today.

Dated April 10, 1996, at Sacramento, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

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**Competitive Local Carrier
Customer Notification and Education Rules**

1 All calling party number passage consumer education efforts shall use the same terminology and be as similar as possible. The CLCs should work cooperatively with the local exchange carriers who have received approval from the Commission of their customer notification and education plans (CNEPs), and in consultation with the Commission Advisory and Compliance Division (CACD), in preparing their notification and education materials.

2. When offering a prospective customer new service through a written solicitation, competitive local carriers (CLCs) shall provide each telephone subscriber with a clear and easily understandable notice in writing. When offering a prospective customer new service through a verbal solicitation where the prospective customer expresses interest in signing up with the CLC the CLC shall provide each prospective customer with a clear and easily understandable notice. This verbal notice shall be followed up with written notice. All written and verbal notices shall inform the subscriber:

- a. that on June 1, 1996, the subscriber's telephone number will begin to be transmitted to persons and businesses who subscribe to Caller ID service, which will impact a subscriber's privacy;
- b. of the free blocking options available (complete and selective);
- c. (1) that the subscriber should indicate their blocking option choice, but that if no option is chosen, selective blocking will be assigned; or, alternatively,

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- (2) of the blocking option chosen, if the subscriber made a selection when service was initially offered;
- d. that calls to 911, and 800 and 900 numbers can not be blocked; and
- e. of the right of the subscriber to change the blocking option applicable to that subscriber's service one time free of charge.

CLCs shall also provide this notice to any customers for whom service was initiated prior to the CNEP approval process outlined in Rule 6.

3. When a new customer is signed up for service, the CLC shall, after noticing the customer as required in Rule 2, encourage the customer to choose a blocking option. Absent an affirmative choice, the CLC shall assign the customer the default blocking option.

4. CLCs shall ensure that there is a simple means of identifying the nature of the blocking option applicable to a particular telephone and that their customers are fully informed of this means. Information regarding the means of identifying the blocking option applicable to a particular telephone shall be included in all aspects of the CNEP.

5. The selection of a blocking option shall be provided free of charge to the subscriber both for the initial selection when service is initiated (whether by affirmative choice or by default) and for one subsequent change of blocking option.

6. The CLCs shall take steps to assure that any blocking option change order is processed and effected expeditiously.

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7. Not less than twenty-five (25) calendar days prior to passing calling party number, CLCs shall file, by Advice Letter, their CNEP materials with CACD for review, in consultation with the Commission's Public Advisor. Any protests of such Advice Letter must be submitted within ten (10) days of filing. In the event that the Commission (through CACD) has not taken any action on such Advice Letter within twenty (20) days of its filing, it shall be deemed approved.

8 All aspects of the CNEP shall include a statement that:

- a customers may call the CLC's 24-hour toll-free number for more information about calling party number passage and blocking choices;
- b. complaints about the way calling party number passage and blocking options are described and implemented should be directed first to the CLC; however, customers may contact the Commission's Consumer Affairs Branch regarding complaints that cannot be resolved with the CLC; and
- c. the information is being provided by the CLC as required by the Commission.

9. Customer notification and education efforts ordered herein shall not be sales messages. They shall provide objective, neutral information on both the passage of calling party number and how consumers can make informed choices about the blocking options available.

10. The consumer education campaign shall be most intensive in the first six months of contact with a new subscriber and ongoing thereafter. Specifically, after initiating service with a new subscriber, the CLC shall:

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- a. as soon as practicable after initiating service, provide the new subscriber with written confirmation of the blocking option selected when the customer was signed up for service, inform the new subscriber again of the free blocking options available (complete and selective), and inform the new subscriber of their right to change the blocking option applicable to that subscriber's service one time free of charge;¹
- b. by December 1996, and then annually thereafter, send subscribers an educational notice which clearly informs the subscriber:
 - (1) that on June 1, 1996, the telephone number from which a call is placed began to be transmitted to persons and businesses who subscribe to Caller ID service, which will impact the subscriber's privacy;
 - (2) of the blocking options available (complete and selective); and
 - (3) how to determine which blocking option a telephone has.

11. Customer messages ordered herein shall be provided in many languages, so as to reach all subscribers. The media used in the plan shall include, but not be limited to, the following: new customer solicitations, brochures, and sales representative scripts.

¹ If the CLC complied with Rule 2c, alternative 2, it has met the Rule 9a requirement.

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12. The CLCs shall establish a 24-hour toll-free number for subscribers to get information about calling party number passage, the blocking options, and how they are used or design their CNEP to address this objective in an equally effective manner.

13 Ordering complete and selective blocking shall be as simple as possible. A request form shall be included with written solicitations to prospective subscribers, the confirmation letter, and the educational notices.

14. CLCs shall provide the following information to CACD in a periodic compliance report to be filed with the Director of CACD on June 1, 1997, and annually thereafter:

- a. number of subscribers;
- b. number of subscribers choosing complete blocking;
- c. number of subscribers choosing selective blocking;
- d. number of subscribers whose blocking option was assigned by default, rather than by affirmative choice;
- e. number of subscribers ordering a change from initial blocking option, broken down by option changed from and option changed to;
- f. number of subscribers with unlisted and nonpublished numbers with a breakdown of those subscribers by choice of blocking option;
- g. number of subscribers with unlisted and nonpublished numbers assigned selective blocking by default; and

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h. number and nature of complaints concerning the service.

15. Should the Commission find that a CLC's implementation of the CNEP proves to be inadequate in educating subscribers for any reason, the Commission may require additional notification and education be undertaken.

16. Privacy-related CLASS services shall not be provided by a CLC until the CLC has made a showing, approved by the Commission, that it has notified all of its customers of the nature of the service and the means by which they can protect their privacy, consistent with these rules.

(END OF ATTACHMENT)

R.95-04-043, I.95-04-044 ALJ/BAR/gab

***MODEL NOTICE
AND EDUCATION BROCHURE***

**AN ALERT FROM [CLC] AND THE
CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)**

CALLER ID BLOCKING

**An Important Notice About Your Right to Control
Who Gets Your Telephone Number**

Your Phone, Your Privacy, Your Choice

On June 1, 1996, you will begin transmitting your telephone number to everyone you call--unless you choose to block it with one of two free Caller ID Blocking services. This will happen automatically, even to those with nonpublished or unlisted telephone numbers. Read on to learn more about your legal rights to privacy and your free Caller ID Blocking options. Use the enclosed response form to select your blocking option.

Additional information about your phone and your privacy is available in [language] if needed. Call xxx-xxxx to request this written information or call xxx-xxxx for recorded information.

(The information above will be repeated here in [language]).

WHAT IS CALLER ID?

Caller ID is a calling service that shows your telephone number on a special display unit to the person or business you call and allows that party to capture your number for future use. When you make phone calls anywhere in the U.S. after June 1, 1996, unless you block it yourself, your phone number will be transmitted to those who have Caller ID, even if you do not have the service. There is no way that you can know whether the person or the business you call has the service. Caller ID is already available in most states.

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WHAT DOES THIS MEAN TO ME?

This means that you must be aware of who you are calling and YOU must decide if you want your telephone number to be displayed to the person or business you are calling.

It's Your Phone, Your Privacy, Your Choice

If you do not want your number displayed to the person or business you are calling, you may choose to block your telephone number from being displayed. YOU HAVE A CHOICE!!

Complete Blocking** (Maximum Privacy Protection)

OR

Selective Blocking** (Maximum Privacy Protection)

It's important to think about **your** situation and **you** decide when it's O.K. to release your telephone number. **There are two free options available for you to stop your number from being displayed.** The options are "**Complete Blocking**" (maximum privacy protection) and "**Selective Blocking**" (minimum privacy protection). Either of these options will stop your number from being delivered to the Caller ID display unit. Instead of your number being shown, the unit will display a message similar to "**Private Number.**"

** You may have heard these two options referred to in other states as "per line blocking" for complete blocking and "per call blocking" for selective blocking.

HERE'S HOW EACH BLOCKING OPTION WORKS:

Complete Blocking (Maximum privacy protection)

If you choose Complete Blocking, the phone company will automatically block your telephone number from being transmitted on all calls. If you choose Complete Blocking, you can still have your number transmitted on selected calls by pressing *82 (dial 1182 on rotary phones) before you make your call. Blocking will not work for calls to 9-1-1, 800, and 900 services.

To choose this option you must call our office.

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Selective Blocking (minimum privacy protection)

If you wish to block transmission of your telephone number, you must use a code **before** you make your call. Press *67 (dial 1167 on rotary phones) before you make your call and your number will not be sent to the person or business you are calling. Blocking will not work for calls to 9-1-1, 800, and 900 services.

Selective Blocking will be automatically assigned to your telephone, unless you choose Complete Blocking as described above.

Remember, Selective Blocking will allow transmission of your telephone number on all of your calls unless you use the code shown above before you make your call.

There is no monthly charge for either blocking option and there is no set-up charge to establish your blocking option. Once your blocking option is established, you may change your blocking option one time free of charge. After that, a service order charge will apply to change blocking options. You need to decide which free blocking option is best for you, and then make your choice by:

Calling our business office with the blocking option you want. The telephone numbers are on the last page.

OR

Filling out the response form at the end of this brochure and returning it in the enclosed envelope.

Remember

It's Your Phone, Your Privacy, Your Choice

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WHAT ARE SOME REASONS WHY YOU WOULD NOT WANT TO TRANSMIT YOUR PHONE NUMBER?

The person or business you are calling might have Caller ID and...

obtain your private nonpublished telephone number without your permission.

use your name and phone number to get other information about you, including your address, by using what is known as a reverse directory.

use your phone number to learn where you are. (For instance, if you are a victim of violence or a crime and want to keep your location private, you should protect your phone number from being released.)

capture your number, then use it to call you back or sell the information to others for marketing or other purposes.

refuse to do business with you because of the neighborhood you live in.

refuse to answer because they know it's you calling.

WHAT ARE SOME REASONS WHY YOU'D WANT TO TRANSMIT YOUR PHONE NUMBER?

The person or business you are calling might have Caller ID and...

only answer if they know it's you calling.

refuse to serve anyone whose number they cannot see and/or capture.

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offer a product or service you want which requires your number to be released for access to your records.

you're calling a friend or family member who already has your number.

KEY POINTS TO REMEMBER

If you choose Selective Blocking, anyone who uses your phone, including children, and guests, should know how to use *67 to block transmission of your phone number.

All numbers, **even unlisted ones**, are transmitted unless you choose to block transmission of your number

Both Complete Blocking and Selective Blocking options are free.

You decide when your number is given out.

There is no way to know whether the person or the business you call has Caller ID service.

Your number will be transmitted even if you do not have the Caller ID service yourself.

Caller ID Blocking does not work when calling 9-1-1 or 800/888, and 900 numbers.

When you block your number, the person or business you're calling will receive a message similar to "Private Number."

The person or business you are calling must have Caller ID service and a display unit to see your telephone number.

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After June 1, 1996, you may determine the blocking option of the telephone you are using by calling xxx-xxxx.

Caller ID is available in most states.

When using a [CLC] pay telephone, that number will be transmitted to the person or business you're calling, unless you choose to block transmission of the number. The number will not be transmitted if you're making a toll call, an operator assisted or calling card call. To block the pay phone number from being transmitted on a local coin paid call from a [CLC] pay telephone, deposit 20 cents, wait for dial tone, press *67 and then make your local call.

If you have a cellular phone, check with your cellular provider to find out what your blocking options are.

It's Your Phone, Your Privacy, Your Choice

OTHER QUESTIONS YOU MAY HAVE:

- Q. Will my number be automatically sent to the person or business I am calling on every call?
- A. Your telephone number will be sent to the person or business you are calling on every call **unless** you take action to prevent it from being sent. **If you do not want your number displayed to the party you are calling, you may choose to block your number from being displayed.**

It's Your Phone, Your Privacy, Your Choice

- Q. How do I prevent my number from being displayed to the person or business I am calling?
- A. There are two free options available for you to stop your number from being displayed by the person or business you are calling. The options are **“Complete Blocking”** and **“Selective Blocking.”** Either of these options will stop your number from being displayed to the Caller ID display unit.

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Instead of your number being shown, the unit will display a message similar to, “**Private Number.**”

Q. How do the blocking options work?

A. Complete blocking, which provides maximum privacy protection, blocks transmission of your telephone number on **all** calls. You may still allow your number to be transmitted on selected calls by pressing *82 (dial 1182 on rotary phones) before you make your call. To get this option, you must notify the telephone company of your choice for Complete Blocking.

Selective Blocking, which provides minimum privacy protection, allows you to block transmission on selected calls. If you wish to block transmission of your telephone number, you must use a code **before** you make your call and your number will not be sent to the person or business you are calling. This blocking option will be assigned to your telephone number **unless** you call our office and request Complete blocking.

Q. How much does it cost to get Complete or Selective Blocking?

A. There is no monthly charge for either blocking option and there is no set-up charge to establish your blocking option.

Q. Can I change my mind about the blocking option I have chosen?

A. Once your blocking option is established, you may change your blocking option one time free of charge. After that, a service order charge will apply to change blocking options.

Q. How will I know what blocking option is on the telephone I am using?

A. If you are using a telephone within [CLC's] service territory, you may call xxx-xxxx to determine the blocking option for the call that is being made.

Q. Why should I be concerned about my number being transmitted to the person or business I am calling?

A. There are many instances when your telephone number should be blocked from being displayed to the person or business you are calling. For example,

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if you are a potential victim and feel that you are at risk of possible violence or if someone wishing to harm you were to receive your telephone number, it would be very important that you not allow transmission of your telephone number to anyone. **Your children must also know how to block transmission of your telephone number.** You may also wish to block the transmission of your telephone number when contacting certain businesses if you are concerned about receiving solicitations or sales calls from the business.

Q. Are there instances when I would want to transmit my telephone number to the person I am calling?

A. Yes, such as when you are calling a friend or family member who already has your telephone number. In other cases, the person you are calling may not answer the phone unless they recognize the number that is calling them.

Q. What happens if I call from a pay telephone?

A. When using a [CLC] pay telephone, that number will be transmitted to the person or business you're calling, unless you choose to block transmission of the number. The number will not be transmitted if you're making a toll call, an operator assisted or calling card call. To block the pay phone number from being transmitted on a local coin paid call from a [CLC] pay telephone, deposit 20 cents, wait for dial tone, press *67 and then make your local call.

Q. Will I know if the person or business I am calling has subscribed to Caller ID?

A. No. There is no way to determine if the person or business you are calling has Caller ID. If you have any concerns about your number being displayed, you must take action to prevent it.

Q. If I have Complete Blocking and have to dial 9-1-1, will my telephone number still be sent to the police or fire department dispatch center?

A. Yes. Your telephone number will always be sent to 9-1-1 emergency dispatch centers, just as it is today, regardless of the blocking option you choose.

Q. What happens if I forget the correct blocking codes or need additional information?

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A. You may receive additional information about call blocking options and their use by calling xxx-xxxx. This number is available for your use 24 hours per day, seven days a week.

Q. Why won't my calls be blocked to 800 and 900 numbers?

A. Calls to 800 numbers are actually collect calls. Since the person or business that is being called is paying for the call, the FCC has determined that they have the right to know who is calling them.

Calls to 900 numbers are information service calls and the information service provider usually charges the calling party a fee for each call (in addition to any toll charges that may apply). The FCC has determined that the service provider is entitled to know who to bill for these fees.

Q. Does this affect me if I have an **unlisted telephone number**?

A. Yes. Even unlisted telephone numbers will be transmitted to the person or business you are calling unless you decide that your telephone number should not be sent.

Q. How do I get Caller ID blocking placed on my line?

A. Selective Blocking is automatically assigned to your line unless you choose to order Complete Blocking.

If you would prefer to have Complete Blocking placed on your line, please contact our offices at the following numbers:

Residence Service xxx-xxxx

Business Service xxx-xxxx

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FOR MORE INFORMATION

If you have questions or would like more information on Caller ID Blocking, please call xxx-xxxx. This 24-hour number is available seven days a week. **To order Complete Blocking, or confirm your choice of Selective Blocking, please call our office.**

Residence Service xxx-xxxx

Business Service xxx-xxxx

If you have any complaints that are not resolved by [CLC], you may contact the Consumer Affairs Branch of the California Public Utilities Commission (CPUC), 505 Van Ness Avenue, Room 2003, San Francisco, California 94102. The Consumer Affairs Branch public telephone hours are 10:00 a.m. - 3:00 p.m., Monday through Friday. You can reach them by calling 1-800-649-7570.

This information is provided by [CLC] as required by the California Public Utilities Commission.

OFFICIAL RESPONSE FORM
FILL OUT AND RETURN IT IN THE ENCLOSED ENVELOPE
OR CALL US AT XXX-XXXX WITH YOUR BLOCKING CHOICE.
WE'LL SEND YOU A LETTER CONFIRMING YOUR CHOICE.

REMEMBER:

- Both blocking options are free.
- If you don't make a selection, you will be assigned Selective Blocking (Minimum Privacy Protection).
- Blocking does not work when calling 800/888 and 900 services and 9-1-1.
- By law, both complete and selective blocking options are free. However, after one free charge, a service order charge will apply to change your blocking option.

_____ I choose COMPLETE BLOCKING (Maximum Privacy Protection)

I understand my rights of privacy and choice associated with the upcoming change in my telephone service. I realize that this option will prevent my telephone number from being shown to the party I am calling on all calls, unless I press *82. Should I wish to transmit my number, I can press *82 (or dial 1182 from a rotary dial telephone) before each call.

_____ I choose SELECTIVE BLOCKING (Minimum Privacy Protection)

I understand my rights of privacy and choice associated with the upcoming change in my telephone service. I realize that this option will transmit my telephone number to the party I am calling, unless I press *67. In those cases where I do not wish to transmit my calling number, I will press *67 (or dial 1167 from a rotary dial telephone) before each call.

Name: _____ Phone: _____
Area Code

Address: _____
Street Address City State Zip

Signature: _____ Date: _____

IMPORTANT NOTE: You cannot block transmission of your telephone number for calls to 9-1-1, 800/888, and 9000 service, regardless of the blocking option you choose.

With Caller ID Blocking, You Decide Who Gets Your Number.
Your Phone Number. Your Privacy. Your Choice.

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MODEL CONFIRMATION LETTERS

[CLC LETTER HEAD]

**CALLER ID
BLOCKING**

Dear Customer,

This letter is being sent to confirm your choice of Complete Blocking. By choosing Complete Blocking, your calls will not be transmitted to the person or business you are calling, unless you use a code before you make your call. You may still have your telephone number transmitted on selected calls by using a code before you make your call. Press *82 (dial 1182 on rotary phones) before you make your call and your telephone number will be transmitted to the person or business you are calling. The enclosed labels may be placed on your telephone as a reminder.

If you decide you would rather transmit your telephone number on most calls, you may change your blocking option to Selective Blocking. This blocking option will automatically transmit your telephone number to the person or business you are calling, unless you use a code to block your telephone number. You may change your blocking option one time free of charge. After that, a service order charge will apply to change the blocking options.

We are enclosing a brochure to answer any questions you may have regarding caller ID blocking options.

If you have any other questions, please call our [special 24-hour] number, xxx-xxxx. Also, to determine which blocking option is on a telephone line, after June 1, 1996, you may call xxx-xxxx [and a recording will announce which blocking option is being used.]

To change blocking options, please call our office.

Residence Service	xxx-xxxx
Business Service	xxx-xxxx

Thank you.

[CLC]

*

[CLC LETTER HEAD]

***CALLER ID
BLOCKING***

Dear Customer,

This letter is being sent to confirm your choice of Selective Blocking. By choosing Selective Blocking, your calls will be transmitted to any person or business you call, unless you use a code before you make your call. Press *67 (dial 1167 on rotary phones) before you make your call and your telephone number will not be transmitted to the person or business you are calling. The enclosed labels may be placed on your telephone as a reminder.

If you decide you would rather have all of your calls blocked, you may change your blocking option to Complete Blocking. This blocking option will block your telephone number from being transmitted on all of your calls, unless you use a code to transmit your telephone number. You may change your blocking option one time free of charge. After that, a service order charge will apply to change blocking options.

We are enclosing a brochure to answer any questions you may have regarding caller ID blocking options.

If you have any other questions, please call our [special 24-hour] number, xxx-xxxx. Also, to determine which blocking option is on a telephone line, after June 1, 1996, you may call xxx-xxxx [and a recording will announce which blocking option is being used.]

To change blocking options, please call our office.

Residence Service	xxx-xxxx
Business Service	xxx-xxxx

Thank you.

[CLC]