

Before the
Federal Communications Commission
Washington, D.C. 20554

CC Docket No. 91-281

In the Matter of

Rules and Policies Regarding
Calling Number Identification
Service - Caller ID

ORDER

Adopted: November 30, 1995; Released: December 7, 1995

By the Common Carrier Bureau:

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I. INTRODUCTION

1. Numerous carriers have requested waivers of the Commission's caller ID rules that require carriers to recognize *82 as a caller's request that privacy not be provided for a particular call on a telephone line that has per line blocking. In many cases, carriers also have requested waivers of the associated customer notification requirements. These waiver requests are part of a larger set of requests for waivers, stays and declaratory rulings that the Commission has received over the past several months pertaining to our caller ID rules. On October 30, 1995, the Commission released an Order that addressed some of these requests for relief.¹ In that Order, the Commission granted the Common Carrier Bureau delegated authority to address additional petitions for stays and waivers of the Commission's caller ID rules. On November 30, 1995, the Commission adopted an Order and Fourth Notice of Proposed Rulemaking addressing other requests.² Pursuant to authority granted in the *October 30th Order*, we now address waiver petitions primarily dealing with matters relating to the *82 unblocking capability. Additionally, we address a request involving the passage of calling party number (CPN), a request involving both the *67 blocking capability and the *82 unblocking capability, and a request for blanket waivers from Local Exchange Carrier (LEC) associations. The waiver requests fall into four general categories based on the primary reason given by the petitioner as the need for relief. These categories are:

(1) Siemens Stromberg Carlson DCO Switch Software Has Not Been Developed: LECs represent that software currently does not exist for Siemens Stromberg Carlson switches to provide the *82 unblocking capability. They request additional time to allow development and deployment of software supporting the *82 unblocking capability. In some cases, LECs request a waiver until it is economically feasible for them to deploy software upgrades. One carrier, BellSouth Telecommunications, Inc. (BellSouth), also seeks a waiver of the *67 blocking capability, until the *82 unblocking capability is available.

(2) Software Supporting *82 Has Been Developed, But Has Not Been Deployed: Some LECs claim that while software does exist that provides the *82 unblocking capability for their switches, these LECs have not deployed the software. They request additional time to deploy software supporting the *82 unblocking capability.

(3) Technical Problems with Certain Types of Subscriber Lines: Two LECs indicate that they have identified a technical problem affecting certain types of subscriber lines which prevents the proper functioning of the *82 unblocking capability. They request additional time to convert these subscriber lines so that they will support the *82 unblocking capability.

¹ *Rules and Policies Regarding Calling Numbering Identification Service - Caller ID*, Order, FCC 95-446, --FCC Rcd.-- (1995), released October 30, 1995. (hereinafter referred to as *October 30th Order*).

² *Rules and Policies Regarding Calling Numbering Identification*

Service - Caller ID, Order and Fourth Notice of Proposed Rulemaking, FCC 95-480, 10 FCC Rcd. 13796 (1995), adopted November 30, 1995. hereinafter referred to as *November 30th Order*.

(4) Other (Ameritech, Puerto Rico Telephone Company, LEC Associations).³ Ameritech indicates that existing blocking and unblocking arrangements within their switches are different from those required by the Commission. It requests additional time to convert some of its switches to support *82 unblocking. Puerto Rico Telephone Company indicates that software is needed to upgrade its switches to pass CPN. It requests additional time to install and test these upgrades. The LEC Associations request a blanket waiver of various Commission rules to address the numerous petitions filed.

II. BACKGROUND

2. Section 64.1601(a) of the Commission's rules requires common carriers using Signaling System 7 (SS7) and offering or subscribing to any service based on SS7 call set up functionality to transmit the CPN associated with an interstate call to interconnecting carriers.⁴

3. Section 64.1601(b) of the Commission's rules requires every originating carrier, using SS7 and offering or subscribing to any service based on SS7 call set up functionality, to recognize *67 dialed as the first three digits of a call as a caller's request that the CPN, or other information identifying the subscriber's line from which the call is made, will not be passed for an interstate call. This preference will be referred to throughout this Order as a request for privacy.⁵ Carriers offering per line blocking services must also recognize *82 dialed as the first three digits of a call as a caller's request that privacy not be provided on a particular interstate call.⁶ Section 64.1601(b) becomes effective on December 1, 1995, except that it does not apply to public payphones, partylines, Centrex lines, hotel and motel lines, and call return services.⁷

4. Section 64.1603 of the Commission rules requires any common carrier participating in the offering of services providing CPN to notify its subscribers that their telephone numbers may be disclosed to a called party. Such notification must tell subscribers how to maintain privacy by dialing *67 and whether dialing *82 is necessary to present

calling party number to called parties. The notification must be made not later than December 1, 1995, and at such times thereafter as to ensure notice to subscribers.⁸

5. The Commission adopted the provisions of Section 64.1601(a) that address CPN passage and Section 64.1601(b) that address the use of *67 as a caller's request for privacy in March 1994. The Commission also adopted the Section 64.1603 customer notification rules that deal with the use of *67 as a caller's request for privacy in March 1994. These rules were to go into effect in April 1995. The Commission, however, temporarily stayed the effective date to allow time for it to address numerous petitions for reconsideration regarding (1) issues raised by differing state and federal per line blocking requirements; and (2) issues raised by the Commission's requirement that CPN be passed between connecting carriers on interstate calls without charge.⁹

6. On May 5, 1995, the Commission affirmed its finding that interstate passage and delivery of CPN are in the public interest.¹⁰ The Commission noted that widespread passage of CPN could promote new services, consistent with Commission responsibilities under Sections 1 and 7 of the Communications Act, and could enable consumers to conduct telephone transactions more efficiently.¹¹ The Commission continued to recognize the importance of balancing the benefits of such widespread CPN availability with the privacy interests of calling and called parties and the need for effective consumer education.

7. In the *May 5th Order*, the Commission modified the federal policy governing CPN-based services to accommodate state per line blocking policies as long as carriers offering per line blocking also recognize *82 as a caller's request that privacy not be provided.¹² To implement this policy change, the Commission amended its rules to require carriers offering per line blocking to recognize *82 as a caller's request that privacy not be provided,¹³ and notify customers of the availability of the *82 unblocking capability

³ National Telephone Cooperative Association (NCTA), Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) and the United States Telephone Association (USTA).

⁴ 47 C.F.R. § 64.1601(a).

⁵ *Id.* § 64.1601(b). When a caller dials *67 before placing a call, this instructs the originating carrier switch that the caller chooses not to have his or her CPN passed for that particular call. On an interstate call using SS7, the originating carrier indicates that a caller has requested privacy in the privacy indicator subfield of the CPN parameter field. The first SS7 call set up message, the initial address message (IAM), carries the CPN and privacy indicator information to the terminating carrier. Under our rules, the terminating carrier examines the privacy indicator and must honor the request of the caller. The Commission has determined that when a caller requests privacy a carrier may not reveal that caller's telephone number or name, nor may the carrier use the number or name to allow the called party to contact the calling party. *67 is often referred to as a per call blocking code, in that on a particular call it "blocks" delivery of a caller's number and name to the called party.

⁶ *Id.* In some states, per line blocking may be offered when a subscriber has advised the originating carrier that he or she chooses to have privacy on every call. In this situation, unless a

caller from that subscriber's line dials *82, the originating carrier switch treats that call as private. When a caller using a telephone with per line blocking dials *82 before placing a call, this instructs the originating carrier switch that the caller chooses not to have privacy for that particular call. *82 is often referred to as a per call unblocking code, in that on a particular call it "unblocks" delivery of a caller's number and name to the called party such that the caller's number and name may be revealed.

⁷ See *October 30th Order*.

⁸ 47 C.F.R. § 64.1603.

⁹ See *Rules and Policies Regarding Calling Number Identification Service - Caller ID*, CC Docket No. 91-281, Order, FCC 95-119 (released March 17, 1995).

¹⁰ See *Rules and Policies Regarding Calling Number Identification Service - Caller ID*, Memorandum Opinion and Order on Reconsideration, Second Report and Order and Third Notice of Proposed Rulemaking, FCC 95-187, released May 5, 1995 (hereinafter referred to as *May 5th Order*) at para. 2; see also, *Rules and Policies Regarding Calling Number Identification Service - Caller ID*, Report and Order and Further Notice of Proposed Rulemaking, 9 FCC Rcd 1764 (1994) at para. 3.

¹¹ See *May 5th Order* at para. 2.

¹² *Id.* at para. 82.

¹³ *Id.* at Appendix C.

ity.¹⁴ In adopting these changes, the Commission believed the use of *82 as a per call unblocking code was technically feasible because it was already offered in a number of jurisdictions and no commenters challenged the representations by other parties that the approach was technically and economically feasible.¹⁵ The *May 5th Order* stated that the amended rules were to become effective on December 1, 1995.¹⁶

8. The Commission recognized that some carriers might have difficulty upgrading their networks to support the use of *82 in the relatively short time frame, seven months, from the release of the *May 5th Order* to the effective date of the amended rules.¹⁷ Therefore, the Commission indicated that carriers able to demonstrate a compelling need for more time could file a waiver of the amended policy requiring that *82 be recognized as an unblocking code.¹⁸ The Commission stated that waiver requests should set forth: (1) the facts that demonstrate why the carrier is unable to meet the Commission's compliance schedule; (2) the time within which the carrier will come into compliance; and (3) a proposed schedule with milestones for meeting the compliance date.¹⁹

III. SIEMENS STROMBERG CARLSON DCO SWITCH SOFTWARE SUPPORTING *82 HAS NOT BEEN DEVELOPED

A. Petitions

9. Numerous carriers using Siemens Stromberg Carlson DCO switches (DCO switches) have requested waivers of the Commission's rule requiring that carriers, by December 1, 1995, recognize *82 as a caller's request that privacy not be provided. The reasons advanced in support of these waiver requests fall generally into three categories:

(1) **Technical Infeasibility:** A number of LECs represent that the *82 unblocking capability is unavailable for DCO switches. They request additional time to permit the software supporting this capability to be developed and deployed.

(2) **Technical and Economic Infeasibility:** Other LECs indicate that the *82 unblocking capability is unavailable for DCO switches and that it may be economically infeasible for them to deploy the software even if it did exist. They request waivers of the compliance deadline until it is both technically and economically feasible for them to provide the *82 unblocking capability.

(3) **Other (BellSouth & Pacific Bell):** BellSouth and Pacific Bell (Pacific) also claim that the *82 unblocking capability is unavailable for DCO switches. BellSouth asserts that none of the "five states in

which BellSouth seeks relief requires BellSouth to offer the *82 unblocking capability. Moreover, two of those states do not require BellSouth to offer the *67 blocking capability. In these two states, BellSouth requests a waiver of the Commission rules that require the *82 unblocking and the *67 blocking capabilities. In the alternative, BellSouth requests a waiver of the Commission rule requiring the *82 unblocking capability in these two states until it can deploy the capability. It requests a similar waiver in three other states. Pacific indicates that it intends to replace its DCO switches and requests a waiver until these switches have been replaced.

10. In addition to the foregoing requests, several carriers request waivers of the Commission's customer notification requirements either in their entirety or as they pertain to notifications regarding the *82 unblocking capability.

1. Technical Infeasibility

11. Daviess-Martin Rural Telephone Corporation (DMRT) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.²⁰ It also seeks a waiver of the December 1, 1995 deadline for complying with all customer notification requirements contained in Section 64.1603 of the Commission's rules.²¹ It seeks these waivers until November 1, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.²² DMRT is an independent telephone cooperative headquartered in Montgomery, Indiana, operating approximately 2,784 access lines with per line blocking provided to 460 access lines.²³ It states that its network uses a DCO host²⁴ switch with ten remotes and that it has been providing caller ID to its customers under state tariff for approximately one year.²⁵ DMRT offers customers per call and per line blocking pursuant to the policies adopted by the Indiana Utility Regulatory Commission.²⁶ DMRT asserts that its DCO switch, currently equipped with software Release 19, is unable to provide *82 per call unblocking.²⁷ DMRT claims that its switch vendor has informed DMRT that Release 20, the software needed to provide *82 per call unblocking, will not be available until mid-1996.²⁸ DMRT contends that the requested waiver is necessary to allow it to make necessary upgrades to its network in an economical and efficient manner.²⁹ It asserts that it will expedite the completion of the software conversion process to implement Release 20.³⁰ DMRT contends that additional time is needed after the new software is developed to enable it to conduct proper network testing of the Release 20 software, claiming that without a waiver, the costs of the upgrades for *82 would far outweigh the potential benefit to be derived by the

¹⁴ *Id.*

¹⁵ *Id.* at para. 82.

¹⁶ *Id.* at Appendix C.

¹⁷ *Id.* at para. 83.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ DMRT Petition at 1.

²¹ *Id.*

²² *Id.* at 4.

²³ *Id.* at 2.

²⁴ A host switch contains centralized switch administration

and call processing functions and typically supports individual lines. A remote switch supports individual lines and is connected to a host switch which provides the centralized administration and call processing functions. A host switch may serve numerous remote switches.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 2-3.

²⁹ *Id.* at 3.

³⁰ *Id.*

public.³¹ It states that its compliance with the November 1, 1996 date is contingent upon the anticipated June 1996 availability of Release 20 software from Siemens Stromberg Carlson and the successful deployment of the upgrade.³² DMRT further asserts that a waiver of the deadline for complying with the customer notifications is necessary in order to avoid customer confusion.³³ DMRT contends that customer notifications should coincide with the availability of the *82 capability.³⁴

12. Farmers Telephone Cooperative (FTC) similarly requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability.³⁵ It also seeks a waiver of the December 1, 1995 deadline for complying with all customer notification requirements contained in Section 64.1603 of the Commission's rules.³⁶ It seeks these waivers until November 1, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.³⁷ FTC is an independent telephone cooperative with seven DCO switches, equipped with software Release 19, serving approximately 105,000 access lines in several counties in South Carolina.³⁸ It provides per line blocking to 113 access lines.³⁹ FTC represents that it recently learned that the Release 19 software does not support *82 unblocking and that Release 20, which will support *82 unblocking, will not be available until June 1996.⁴⁰ It requests a waiver until November 1996 to ensure proper network testing of the Release 20 software.⁴¹ FTC indicates that grant of the requested waiver is in the public interest because it will allow FTC to make the necessary upgrades efficiently.⁴² It states that its compliance with the November 1, 1996 date is contingent upon the anticipated June 1996 availability of Release 20 software from Siemens Stromberg Carlson and the successful deployment of the upgrade.⁴³ FTC further asserts that a waiver of the deadline for complying with the customer notifications is necessary in order to avoid customer confusion.⁴⁴ FTC contends that customer notifications should coincide with the availability of the *82 capability.⁴⁵

13. Northeast Florida Telephone Company, Inc. (NFTC), similarly requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability.⁴⁶ It also seeks a waiver of the December 1, 1995 deadline for complying with customer notification requirements pertaining to the *82

unblocking capability contained in Section 64.1603 of the Commission's rules.⁴⁷ It seeks these waivers until December 1, 1996.⁴⁸ NFTC is an independent telephone cooperative with a DCO host switch and five remotes equipped with software Release 17.3, serving approximately 7000 access lines in Baker County, Florida.⁴⁹ It provides per line blocking to two customers.⁵⁰ NFTC indicates that it has recently learned that Release 17.3 does not support *82 unblocking and that Release 20, which will support *82 unblocking, will not be available until July 1996.⁵¹ It requests a waiver until December 1996 to ensure proper network testing of the Release 20 software.⁵² NFTC indicates that grant of the requested waiver is in the public interest because it will allow NFTC to make the necessary upgrades efficiently.⁵³ It states that its compliance with the December 1, 1996 date is contingent upon the anticipated July 1996 availability of Release 20 software from Siemens Stromberg Carlson and the successful deployment of the upgrade.⁵⁴ NFTC further asserts that a waiver of the deadline for complying with the customer notifications is necessary in order to avoid customer confusion.⁵⁵ NFTC contends that customer notifications should coincide with the availability of the *82 capability.⁵⁶

14. Pond Branch Telephone Company, Inc. (Pond Branch) also requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability.⁵⁷ It also seeks a waiver of the December 1, 1995 deadline for complying with customer notification requirements pertaining to the *82 unblocking capability contained in Section 64.1603 of the Commission's rules.⁵⁸ It seeks these waivers until December 31, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.⁵⁹ Pond Branch is an independent telephone company with four DCO switches serving approximately 11,000 lines in and around Gilbert, South Carolina.⁶⁰ It seeks a waiver of the Commissions rules to implement the *82 per call unblocking capability because software currently does not exist for DCO switches to implement this capability.⁶¹ Pond Branch indicates that Release 20 software, which is required to implement the *82 feature, will not be available until July 1996. Because delivery delays are possible, and because time is needed to install and test the new software, Pond Branch requests that the waiver extend until December 31, 1996.⁶²

³¹ *Id.*

³² *Id.* at 3 n.7.

³³ *Id.* at 4.

³⁴ *Id.*

³⁵ FTC Petition at 1.

³⁶ *Id.*

³⁷ *Id.* at 4.

³⁸ *Id.* at 2.

³⁹ *Id.*

⁴⁰ *Id.* at 2-3.

⁴¹ *Id.* at 3.

⁴² *Id.*

⁴³ *Id.* at 3 n.6.

⁴⁴ *Id.* at 4.

⁴⁵ *Id.*

⁴⁶ NFTC Petition at 1.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at 2.

⁵⁰ *Id.* at 2 n.5.

⁵¹ *Id.* at 2-3.

⁵² *Id.* at 3.

⁵³ *Id.*

⁵⁴ *Id.* at 3 n.7.

⁵⁵ *Id.* at 4.

⁵⁶ *Id.*

⁵⁷ Pond Branch Petition at 2.

⁵⁸ *Id.*

⁵⁹ *Id.* at 1-2.

⁶⁰ *Id.* at 1 n.1.

⁶¹ *Id.* at 2.

⁶² *Id.*

2. Technical and Economic Infeasibility

15. Northeast Louisiana Telephone Company, Inc. (Northeast Louisiana) asks us to rule that Sections 64.1601 and 64.1603 of the Commission's rules do not apply to it.⁶³ In the alternative, Northeast Louisiana requests a waiver of the December 1, 1995 deadline for complying with these rules.⁶⁴ It seeks this waiver until it would be technically and economically feasible for it to provide the *82 unblocking capability.⁶⁵ Northeast Louisiana is a small rural LEC that serves 920 access lines in northeast Louisiana.⁶⁶ It uses a DCO switch with Release 18 software that supports the use of *67 for per call blocking and unblocking, but does not support the use of *82 as an unblocking code.⁶⁷ Northeast Louisiana states that Siemens Stromberg Carlson has informed it that Release 20 software will support the Commissions *67 and *82 blocking rules, but will not be available until at least July 1996.⁶⁸ Northeast Louisiana states that it intends to upgrade to Release 20 software as long as the software is not prohibitively expensive.⁶⁹ Northeast Louisiana states that in its experience software upgrades typically cost between \$30,000 and \$50,000 and that it may not be able to recover that cost if the upgrade is solely to provide the caller ID features.⁷⁰

16. In support of its request for an interpretation that the Commissions per call blocking and unblocking rules do not apply to it, Northeast Louisiana contends that the Commission did not intend to require carriers to invest in SS7 technology and that the Commission only requires carriers to transmit CPN and its privacy indicator where technically feasible.⁷¹ Therefore, Northeast Louisiana asserts that because its DCO switch is equipped with SS7 call set up capability, but not the technical capability to support per call blocking and unblocking functions required by the Commission's rules, it should be exempt from these rules.⁷²

17. Alternatively, if the Commission concludes that Northeast Louisiana is not exempt from the per call blocking and unblocking rules, it states that Commission

precedent supports the grant of a waiver based on technical and, possibly economic infeasibility.⁷³ Noting that the Commission invited waivers in the *May 5th Order* for carriers that could not comply with the unblocking requirement, Northeast Louisiana states that it can not technically meet the compliance deadline because the needed software upgrade is not yet available from its vendor.⁷⁴ Moreover, Northeast Louisiana contends that grant of the waiver would be consistent with waivers the Commission has granted in the past to small independent LECs.⁷⁵ Northeast Louisiana notes that the Commission has waived certain equal access implementation requirements for small carriers when capabilities were not technically or economically feasible.⁷⁶ It contends that in this case compliance similarly is not technically feasible and, in addition, may not be economically feasible.⁷⁷ Finally, Northeast Louisiana contends that grant of a waiver would be consistent with the Commissions policy of minimizing regulatory burdens on small telephone companies.⁷⁸

18. Century⁷⁹ similarly asks us to rule that Sections 64.1601 and 64.1603 of the Commission's rules do not apply to it. In support of this interpretation, Century makes essentially the same "arguments as those advanced by Northeast Louisiana."⁸⁰ In the alternative, Century-9 requests a waiver of the December 1, 1995 deadline for complying with these rules.⁸¹ Century-9 seeks this waiver until it would be technically and economically feasible for it to provide the *82 unblocking capability.⁸² The Century-9 carriers are small rural LECs that provide service for between approximately 2000 and 50,000 access lines in Louisiana, Michigan, Mississippi, Tennessee and Wisconsin.⁸³ These carriers indicate that they use DCO switches with Release 19 software that does not support the *82 unblocking capability to serve between approximately 2000 and 17,000 access lines.⁸⁴ Century-9 states that Siemens Stromberg Carlson has informed it that Release 20 software will support the Commissions *67 and *82 blocking rules, but will not be available until at least July

⁶³ Northeast Louisiana Petition at 1.

⁶⁴ *Id.*

⁶⁵ *Id.* at 7.

⁶⁶ *Id.* at 2.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* at 2-3.

⁷⁰ *Id.* at 3.

⁷¹ *Id.* at 3-4.

⁷² *Id.* at 4.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 5-6.

⁷⁶ *Id.* Northeast Louisiana cites *Memorandum and Opinion and Order* (Larsen-Readfield Telephone Company), 6 FCC Rcd 1379, 1379 (1991) in which, it states, the Commission waived equal access requirements because Siemens Stromberg Carlson software would not support equal access. It also cites *Memorandum Opinion and Order* (Palmerton Telephone Company), 7 FCC Rcd 8089, 8090 (1992) and *Memorandum Opinion and Order* (C. C&S Telco, Inc.) 6 FCC Rcd 349 (1991) and indicates that in these orders the Commission waived equal access requirements for two small carriers for which it was not economically feasible to upgrade switches to meet the Commissions requirements.

⁷⁷ Northeast Louisiana Petition at 6.

⁷⁸ *Id.* In support of this claim, Northeast Louisiana cites the following: *Regulation of Small Telephone Companies*, Notice of Proposed Rulemaking, 2 FCC Rcd. 1010, (1986) (minimizing regulatory burdens), adopted by Report and Order, 2 FCC Rcd

3811 (1987), *recon.*, 3 FCC Rcd. 5770 (1988); *LEC Price Cap Order*, Order, 5 FCC Rcd 6786, 6818 (1990) (recognizing that small telephone companies should not be forced into a regulatory regime that was designed based largely on performance of largest telephone companies); *Regulatory Reform for Local Exchange Carriers Subject to Rate of Return Regulation*, Report and Order, 8 FCC Rcd 4545 (1993) (adopting a new and different set of optional incentive regulations designed specifically for smaller companies).

⁷⁹ Century Telephone of Claiborne, Inc., Century Telephone of Adamsville, Inc., Century Telephone of North Mississippi, Inc., Century Telephone of Evangeline, Inc., Century Telephone of Southwest Louisiana, Inc., Century Telephone of Larsen-Readfield, Inc., Century Telephone of Northwest Wisconsin, Inc., Century Telephone of Northern Wisconsin, Inc., Century Telephone of Michigan, Inc. and Century Telephone of Ohio, Inc. Requests for Waivers of November 21, 1995 at 1. When referring to these companies collectively, they will be referred to as Century. The first nine of these carriers make requests for waivers based on the same reason. They will be referred to as Century-9. Century Telephone of Ohio, Inc. provides a different reason for its waiver request. It will be referred to as Century-Ohio. Matters involving Century-Ohio are discussed *infra* in paragraphs 42, 44.

⁸⁰ Century Petition at 4. See *supra* para. 16.

⁸¹ *Id.* at 1.

⁸² *Id.* at 2.

⁸³ *Id.* at 2, Exhibit A.

⁸⁴ *Id.*

1996 at a total cost of approximately \$1.4 million to these carriers.⁸⁵ Century-9 states that it may not be economically feasible for them to invest in this software solely to comply with the Commission's caller ID rules.⁸⁶ In support of the waiver requested on economic feasibility grounds, Century-9 sets forth essentially the same arguments as those proffered by Northeast Louisiana.⁸⁷

19. Lakedale Telephone Company (Lakedale) similarly asks us to rule that Sections 64.1601 and 64.1603 of the Commission's rules do not apply to it.⁸⁸ Lakedale makes essentially the same arguments that Northeast Louisiana asserts.⁸⁹ In the alternative, Lakedale requests a waiver of the December 1, 1995 deadline for complying with these rules.⁹⁰ It seeks these waivers until it would be technically and economically feasible for them to provide the *82 unblocking capability.⁹¹ Lakedale is a small rural LEC that provides service to 11,000 access lines in Minnesota.⁹² It uses a DCO switch with Release 19 software that supports the use of *67 for per call blocking and unblocking, but does not support the use of *82 as an unblocking code.⁹³ Lakedale states that Siemens Stromberg Carlson has informed them that the Release 20 software upgrade that will support the Commissions *67 and *82 blocking rules will not be available until at least June 1996.⁹⁴ Lakedale further notes that it may not be economically feasible for it to invest in such an upgrade solely to comply with the Commissions caller ID rules.⁹⁵ In support of the waiver requested on economic feasibility grounds, Lakedale asserts essentially the same arguments advanced by Northeast Louisiana.⁹⁶

20. Sioux Valley Telephone Company (Sioux Valley) and Hills Telephone Company, Inc. (Hills) similarly ask us to rule that Sections 64.1601 and 64.1603 of the Commission's rules do not apply to them.⁹⁷ In support of this interpretation, Sioux Valley and Hills present essentially the same arguments asserted by Northeast Louisiana.⁹⁸ In the alternative, Sioux Valley and Hills request waivers of the December 1, 1995 deadline for complying with these rules.⁹⁹ They seek these waivers until it would be technically and economically feasible for them to provide the *82 unblocking capability.¹⁰⁰ Sioux Valley is a small rural LEC that provides service to 4985 access lines in South Dakota and Minnesota.¹⁰¹ Hills is also a small rural LEC that provides service to 2200 lines in Minnesota and Iowa.¹⁰² They both use DCO switches with Release 19 software that supports the use of *67 for per call blocking and unblocking, but does not support the use of *82 as an unblocking code.¹⁰³ They state that Siemens Stromberg Carlson has informed them that the Release 20 software upgrade that will support

the Commissions *67 and *82 blocking rules, will not be available until at least July 1996 and will cost approximately \$30,000.¹⁰⁴ They note that it may not be economically feasible for them to invest in such an upgrade solely to comply with the Commissions caller ID rules.¹⁰⁵ In support of the waiver requested on economic feasibility grounds, Sioux Valley and Hills assert essentially the same arguments advanced by Northeast Louisiana.¹⁰⁶

3. Other (BellSouth and Pacific)

21. BellSouth requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability for its customers being served by DCO switches in the states of Alabama, Kentucky, and Tennessee.¹⁰⁷ BellSouth does not indicate the number of customers that actually would be affected by grant of this request. It seeks a waiver until it can complete software upgrades to provide the *82 per call unblocking capability.¹⁰⁸ Prior to having the *82 per call unblocking capability, BellSouth asserts that customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹⁰⁹

22. BellSouth also requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules that requires carriers to implement the *67 per call blocking capability and the *82 per call unblocking capability for its customers being served by DCO switches in the states of Louisiana and Mississippi.¹¹⁰ If this waiver were granted, customers in these states would not be able to block or unblock delivery of their telephone numbers on a per call basis until BellSouth completes the upgrades to the DCO switches.¹¹¹ Alternatively, it requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking for these customers.¹¹² BellSouth does not indicate the number of customers that actually would be affected by grant of this request. It seeks a waiver until it can complete software upgrades to provide the *82 per call unblocking capability.¹¹³ Under BellSouth's alternative waiver request, customers without per line blocking in these states would be able to dial *67 to request privacy and customers with per line blocking would be able to dial *67 to request that privacy not be provided.¹¹⁴

23. In support of these requests, BellSouth states that although it has been offering caller ID service in all of its states since well before the Commissions *May 5th Order*,

⁸⁵ *Id.* at 2.

⁸⁶ *Id.* at 2-3.

⁸⁷ *Id.* at 5-7. *See supra* para. 17.

⁸⁸ Lakedale Petition at 1.

⁸⁹ *Id.* at 2-3. *See supra* para. 16.

⁹⁰ *Id.* at 1.

⁹¹ *Id.*

⁹² *Id.* at 2.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.* at 3-6. *See supra* para. 17.

⁹⁷ Sioux Valley and Hills Petition at 1.

⁹⁸ *Id.* at 2-3. *See supra* para. 16.

⁹⁹ *Id.* at 1.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 2.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 3-6. *See supra* para. 17.

¹⁰⁷ BellSouth Petition at 1.

¹⁰⁸ *Id.* at 5.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 1.

¹¹¹ *Id.* at 6-7.

¹¹² *Id.* at 1.

¹¹³ *Id.* at 2.

¹¹⁴ *Id.* at 6.

the blocking requirements adopted by the state regulatory agencies were not identical to those adopted by the Commission.¹¹⁵ It indicates that it has been diligently pursuing implementation of the Commissions privacy rules, but has encountered circumstances that render it unable to meet the Commissions deadlines.¹¹⁶ It seeks a waiver of the deadline for implementing the *82 unblocking capability because software to implement this capability currently does not exist for DCO switches.¹¹⁷ BellSouth indicates its vendor has been unable to assure availability of appropriate software to bring DCO switches into compliance with the Commissions rules before first quarter 1996.¹¹⁸ BellSouth further claims extension of the implementation deadline for those affected switches would not adversely affect federal interests.¹¹⁹ With respect to their waiver request in Louisiana and Mississippi, Bellsouth notes that these states have previously not required or permitted either per call or generally available per line blocking.¹²⁰ It maintains that while DCO switches in these states have the capability to provide the use of *67 to block or unblock delivery of a telephone number, that function has not been activated on individual lines.¹²¹ Therefore, BellSouth also seeks a waiver of the deadline for implementing the *67 per call blocking capability in Louisiana and Mississippi on the grounds that implementing *67 as the per call unblocking code for a short period of time, and then shortly thereafter disabling it and enabling *82 as a per call unblocking code, would lead to unnecessary customer confusion.¹²²

24. Pacific requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking on eight host and thirty six remote DCO switches in the state of California until October 25, 1997.¹²³ The total number of lines served by these switches is 91,000.¹²⁴ It indicates that these switches are currently using software Release 17.3, which does not support *82 unblocking.¹²⁵ Pacific further claims that to provide per call unblocking through the use of *82, would require installation of software Release 19 and Release 20.¹²⁶ Further, it contends that software Release 20 is not available and cannot be installed in switches before August 1996 at the earliest.¹²⁷ It indicates that it has plans to replace these switches over the next two years and that by the end of 1996, eight switches serving 16,000 access lines will have been replaced.¹²⁸ Finally, it states that without grant of a waiver it will incur the significant expense of installing new hardware and software for the DCO switches that will all be replaced by October 25, 1997.¹²⁹

B. Comments

25. The People of the State of California and the Public Utilities Commission of the State of California (collectively, CPUC) filed comments regarding Pacific's waiver request.¹³⁰ The CPUC requests that the Commission, rather than waiving the deadline for providing the *82 enabling feature, waive the Commissions rule requiring passage of CPN for the 91,000 Pacific customers affected by Pacific's waiver request until the *82 feature is made available by Pacific.¹³¹ It claims that waiver of the *82 requirement may "subtly coerce" some customers to choose per call blocking instead of per line blocking because the inflexibility of absolute per line blocking may not meet their needs.¹³² The CPUC further states that Pacific has no legitimate basis for its delay in providing *82 enabling because the CPUC has required per line blocking with per call unblocking since June of 1992.¹³³ California claims that temporary waiver of CPN passage for these customers will have no material impact on the Commissions national policies and will provide an incentive for Pacific to upgrade its network on a timely basis.¹³⁴

C. Discussion

26. We conclude, on our own motion, that the public interest would best be served by issuing a temporary stay of the effectiveness of part of the *May 5th Order* to carriers that operate DCO switches. Specifically, we stay those aspects of Section 64.1601(b) of the Commission's rules that require these carriers to recognize *82 as a caller's request that privacy not be provided for calls that originate on lines served by DCO switches until January 1, 1997. Additionally, we stay the effectiveness of those aspects of Section 64.1603 of the Commission's rules that require the affected carriers to provide customer notification regarding the *82 unblocking capability for carriers as applied to customers served by Siemens Stromberg Carlson DCO switches until January 1, 1997. We also stay the effectiveness of the aspect of Section 64.1601(b) that would prohibit the use of *67 as an unblocking code for lines with per line blocking served by DCO switches until January 1, 1997. This stay applies to all parties subject to the *May 5th Order* that use DCO switches. Petitioners have consistently represented that software supporting the *82 unblocking capability has not been developed. Petitioners, however, present different estimates of the dates that the software will be available. These estimates range from late February 1996 to July 1996. In view of this variation in the estimates, we conclude that this software may not be generally available until next summer. Additionally, all petitioners assert that additional time will be needed to test and deploy the software. We find that requiring compliance at this time

¹¹⁵ *Id.* at 3.

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 5.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* at 6.

¹²¹ *Id.*

¹²² *Id.* at 6-7.

¹²³ Pacific Petition at 1-2.

¹²⁴ *Id.* at 2.

¹²⁵ *Id.* at 3.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.* at 2.

¹²⁹ *Id.* at 3.

¹³⁰ Given the lateness of the petitions filed, none of the petitions received were placed on public notice. The CPUC did, however, file comments in response to Pacific's waiver request. See CPUC Comments at 14-15.

¹³¹ *Id.* at 15.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

would require an extremely expedited development and deployment schedule that may lead to increased costs and reduce software reliability.

27. Given the short time frame between the *May 5th Order* and the effective date of the Commission's rule requiring *82 unblocking, we find that the requests for additional time to develop and deploy software supporting the *82 unblocking capability are reasonable. Furthermore, we had anticipated the need for some waivers of this requirement in our *May 5th Order*. Those carriers whose waiver requests are based solely on the availability of the necessary software upgrade seek waivers until December 1996. In light of our conclusion that software will not be available until next summer and the need for testing, deployment and customer notifications regarding the availability of *82, we find that granting a stay until January 1, 1997 is appropriate. The additional time beyond the expected availability of the software upgrade will give carriers sufficient time to deploy software upgrades and to provide customer notifications properly, without unnecessarily prolonging the unavailability of the *82 unblocking capability. Additionally, while the duration of the stay may be longer than needed for some carriers, we seek to avoid the administrative burdens of additional waiver requests. With respect to the Commission's customer notification requirements, several carriers request waivers of all customer notification requirements, while others request waivers only of the aspect of our rules that pertain to the *82 unblocking capability. We find that a waiver of the entire notification requirements is too broad and may lead customers, in the absence of notification, to be unaware that their telephone number may be revealed to called parties and that they may block that delivery by dialing *67. Therefore, the stay we issue with respect to customer notification requirements pertains only to notifications regarding the *82 unblocking capability. We note that while no carrier explicitly requested relief pertaining to the use of *67 as an unblocking code, implicit in most requests was that customers with per line blocking currently using *67 as an unblocking code would continue to do so through the duration of the waiver. We find the public interest best served by allowing the use of *67 as an unblocking code for customers with per line blocking served by DCO switches to continue for the limited duration of this stay. We reach this conclusion because in the absence of this relief, no per call unblocking capability would be available to these customers. Furthermore, because these customers are accustomed to using *67 as an unblocking code, any customer confusion resulting from its use should be limited. Additionally, we find that the stay we now issue provides all the relief sought by Pond Branch and NFTC. Therefore, we dismiss their waiver requests as moot. Finally, while the stay we now issue provides most of the relief sought by DMRT and FTC, it does not provide the relief they sought with respect to all customer notifications. Therefore, for reasons discussed above we deny their waiver requests.

28. We now turn to the waiver requests that are based on grounds other than, and in addition to, the unavailability of software upgrades for DCO switches. Pursuant to Section 1.3 of the Commission's rules, the Commission may waive any provision of its rules, in whole or in part, if good cause is shown. An applicant for waiver must dem-

onstrate that special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹³⁵

29. Northeast Louisiana, Century-9, Lakedale, Sioux Valley and Hills all seek rulings that the Commission's caller ID rules do not apply to them, because they assert the Commission does not require carriers to invest in SS7 technology to comply with the Commission's caller ID rules. The plain language of the Commission's rules contradicts the rulings that these carriers seek. Section 64.1601 of the Commission's rules states that the Commission's caller ID rules are applicable to all carriers that use SS7 and offer or subscribe to any service based on SS7 call set up functionality. All of the carriers here appear to be offering or subscribing to services based on SS7 call set up functionality, and therefore are subject to the Commission's caller ID rules. The Commission has chosen not to require carriers that do not have SS7 call set up capability to deploy that capability to comply with our caller ID rules. While the Commission did not specifically impose rules that would require additional SS7 investments, it has adopted rules requiring carriers that already have deployed SS7 call set up capability to make relatively modest expenditures needed for customer notification programs.

30. In the alternative, Northeast Louisiana, Century-9, Lakedale, Sioux Valley and Hills all request waivers until such time that it is technically and economically feasible to provide the *82 per call unblocking capability for lines served by DCO switches. We note that in the *May 5th Order*, the Commission requested that carriers seeking a waiver of the December 1, 1995 deadline indicate the date by which they would be able to comply with the Commission's privacy rules and provide a proposed schedule with milestones for meeting the compliance date. None of these carriers has complied with this request. For the reasons cited above, we find good cause to extend the date for these carriers to comply with the *82 unblocking capability rule and customer notification requirements pertaining to the *82 unblocking capability until January 1, 1997. We deny, however, their requests for open-ended waivers based on economic infeasibility. In support of this aspect of their request, these carriers cite numerous Commission decisions in which they assert the Commission has granted waivers to smaller carriers based on economic infeasibility. In this case, however, the carriers only indicate that providing *82 unblocking capability may be economically infeasible. They provide scant evidence supporting a claim that it is economically infeasible to deploy software supporting the *82 unblocking capability. Furthermore, while some do provide limited information regarding the cost of upgrading their software, they do not indicate whether they will obtain other capabilities through these software upgrades beyond the *82 unblocking capability. Thus, in light of our careful balancing of privacy interests of calling and called parties and our objective of having uniform blocking and unblocking capabilities, we find their arguments supporting economic infeasibility speculative and not sufficient to justify an open-ended waiver of our requirements. We, therefore, deny their waiver requests based on economic infeasibility.

¹³⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

31. BellSouth seeks a waiver of the Commission's rules requiring the *82 unblocking capability in Alabama, Kentucky and Tennessee for DCO switches until it can complete software upgrades to those switches. Additionally, it seeks a waiver of the Commission's rules requiring the *82 unblocking capability and the *67 blocking capability for DCO switches in Louisiana and Mississippi until it installs the Release 20 upgrades in those switches. Alternatively, BellSouth requests the same waiver for the DCO switches in these two states that it requested for its DCO switches in Alabama, Kentucky and Tennessee. Throughout this proceeding, which began in 1991, we have emphasized the importance of carriers recognizing *67 as a caller's request for privacy. Given the fact that BellSouth currently has the ability to activate the use of *67 for per call blocking and unblocking in DCO switches in Louisiana and Mississippi, the importance of *67 as a means for ensuring privacy, our objective of enabling a caller to choose privacy through a simple, uniform, nationwide procedure, and the fact that the need to provide this capability has long been known to BellSouth, we deny BellSouth's request for an open-ended waiver of our rule requiring the *67 blocking capability for DCO switches in Louisiana and Mississippi.

32. With respect to BellSouth's request for a waiver of our rules requiring the *82 unblocking capability, we note again that in the *May 5th Order*, the Commission requested that carriers provide the date by which they expect to comply with our rules when seeking a waiver. BellSouth failed to specify a compliance date, but indicated that software supporting the *82 unblocking capability will be available by first quarter 1996. We find no basis in this record for concluding that BellSouth would be unable to provide the *82 unblocking capability by January 1, 1997. Thus, for the reasons discussed above, we find that grant of a waiver until that date will give BellSouth sufficient time to test, deploy and provide customer notification. We therefore deny BellSouth's waiver requests pertaining to DCO switches in Alabama, Kentucky, Louisiana, Mississippi and Tennessee in all other respects.

33. Pacific requests a waiver of the December 1, 1995 deadline for complying with the aspect of Section 64.1601(b) of the Commission's rules that requires carriers to implement the *82 per call unblocking on eight hosts and thirty six remote DCO switches in the state of California until October 25, 1997. We find that Pacific has not shown that a waiver beyond January 1, 1997 is warranted. Grant of a waiver until this date will permit Pacific to complete many of the switch upgrades that it intends to make under its current replacement schedule. Furthermore, we believe that the stay we issue pertaining to DCO switches will allow Pacific to advance the remainder of its upgrade schedule to meet the new effective date. Moreover, we find that Pacific has failed to substantiate with credible evidence its claim that advancing its replacement schedule will cause it significant expense. We also reject the CPUC's request that we should deny Pacific's request. CPUC has offered no evidence to support its speculative claim that lack of *82 capability may deter some individuals from

selecting per line blocking. Second, we note that while the CPUC may have included in its requirements that carriers provide *82 unblocking capability, Pacific does not offer caller ID or provide CPN passage in California and therefore would have had no reason to invest in *82 unblocking capabilities until it began to offer caller ID in California or until it sought to comply with our federal rules, which only recently were adopted. Finally, we will not grant the CPUC's request that we deny Pacific's request for a waiver and instead bar it from passing CPN, because the CPUC suggests that this would have minimal impact on federal objectives. Whenever CPN passage is suppressed, it impacts our federal objective. We permit or require suppression of CPN passage only when it is necessary to protect privacy interests, and the CPUC has not demonstrated that those interests are at risk in these circumstances.

IV. SOFTWARE SUPPORTING *82 HAS BEEN DEVELOPED, BUT HAS NOT BEEN DEPLOYED

A. Petitions

34. Frontier Communications of New York, Inc. (Frontier-New York) and Frontier Communications of Sylvan Lake, Inc. (Frontier-Sylvan Lake) request a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹³⁶ They seek a waiver until January 1, 1997 and assert that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹³⁷ Frontier-New York and Frontier-Sylvan Lake serve two exchanges with a total of approximately 71,000 access lines in New York.¹³⁸ They do not indicate how many access lines have per line blocking. They employ AT&T 5ESS switches with 5E6 software, which supports the use of *67 as a per call blocking and unblocking code, but not the use of *82.¹³⁹ They indicate that they have been offering this form of blocking protection for several years with no adverse customer reaction.¹⁴⁰ They report that to meet the Commission's blocking and unblocking rules they must upgrade to the 5E9 software at a cost \$2.1 million dollars.¹⁴¹ They contend that this investment, or even the acceleration of such an investment, is a significant cost to them as their projected interstate access revenues for 1995 are only a combined \$17.6 million.¹⁴² They assert that their waiver request is reasonable because expending these significant costs would generate virtually no consumer benefit and the short delay in meeting the Commission's rules would not adversely affect federal interests.¹⁴³ They further claim that the Commission emphasized that it was not requiring carriers to invest in new equipment to offer calling number identification services, and noted that declining to impose such a requirement would not undermine achievement of the Commission's goal of making interstate calling number identification services generally available.¹⁴⁴

¹³⁶ Frontier-New York and Frontier-Sylvan Lake Petition at 1.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.* at 3.

¹⁴⁰ *Id.* at 2.

¹⁴¹ *Id.* at 3.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

35. Washington County Rural Telephone Cooperative, Inc. (Washington County) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁴⁵ It also seeks a waiver of the December 1, 1995 deadline for complying with customer notification requirements pertaining to the *82 unblocking capability contained in Section 64.1603 of the Commission's rules.¹⁴⁶ It seeks a waiver until June 30, 1996 and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹⁴⁷ Washington County is a small, independent local exchange carrier serving 2964 access lines located in Indiana with one Northern Telecom DMS-10 switch using software release 405.21.¹⁴⁸ It requests the waiver because it asserts that it does not currently have the software necessary to provide the *82 unblocking capability.¹⁴⁹ It indicates that the software release required to support the *82 unblocking capability in Northern Telecom Switches is Release 406.10, which it has scheduled to be installed by February 23, 1996.¹⁵⁰ Washington County requests a waiver until June 30, 1996, however, because of the possibility of delivery or installation delays.¹⁵¹

36. Deerfield Farmers' Telephone Company (DFTC) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁵² It also seeks a waiver of the December 1, 1995 deadline for complying with all customer notification requirements contained in Section 64.1603 of the Commission's rules.¹⁵³ It seeks these waivers until July 31, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹⁵⁴ DFTC is an independent telephone company serving approximately 2,400 access lines in Monroe and Lenawee counties of Michigan with per line blocking provided to 197 customers.¹⁵⁵ DFTC asserts that its current network utilizes a Northern Telecom DMS 10 switch and that it has been providing Caller ID to its customers under state tariff since April 1994.¹⁵⁶ It offers per call and per line blocking to its customers, pursuant to the policies adopted by the Michigan Public Service Commission.¹⁵⁷ DFTC asserts that its Northern Telecom switch is currently unable to provide the *82 unblocking capability and requires a "CIDS" software upgrade to support this capability.¹⁵⁸ DFTC requests this waiver to enable it to conduct, in an economical and efficient manner, proper network testing of various, neces-

sary software packages.¹⁵⁹ DFTC asserts that while it is currently finalizing arrangements to deploy such software within its switch, it will not be able to conduct the necessary deployment and network testing in sufficient time to ensure compliance with the December 1, 1995 deadline.¹⁶⁰ DFTC explains that offering *82 is one of a "series of upgrades" to its network, all of which it believes should, for purposes of efficiency, be deployed concurrently rather than "on a piecemeal basis."¹⁶¹ DFTC claims that without a waiver, the costs of the upgrades for *82 would far outweigh the potential benefit to be derived by the public.¹⁶² Regarding its request for a waiver of the customer notification requirements, DFTC asserts that a waiver is necessary to avoid potential customer confusion, because current blocking arrangements are not changing and the *82 unblocking capability is unavailable.¹⁶³

37. Merrimack County Telephone Company (MCTC) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁶⁴ It also seeks a waiver of the December 1, 1995 deadline for complying with all customer notification requirements contained in Section 64.1603 of the Commission's rules.¹⁶⁵ It seeks these waivers until April 1, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹⁶⁶ MCTC is an independent telephone company operating approximately 6600 access lines in several communities in New Hampshire.¹⁶⁷ MCTC indicates that its current network utilizes a Siemens EWSD switch with Release 11 software that does not provide the *82 unblocking capability.¹⁶⁸ It indicates that it has ordered Release 12 software, which will support the *82 unblocking capability.¹⁶⁹ It expects this software to be delivered in December 1995, and requests a waiver until April to allow for proper testing and installation.¹⁷⁰ MCTC requests this waiver to enable it to conduct, in an efficient manner, necessary network upgrades.¹⁷¹ Regarding its request for a waiver of the customer notification requirements, MCTC asserts that a waiver is necessary to avoid potential customer confusion, because current blocking arrangements are not changing and the *82 unblocking capability is unavailable.¹⁷²

38. Nelson Telephone Cooperative, Inc. (NTC) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁷³ It also seeks a waiver of the December 1, 1995 deadline for complying with all customer

¹⁴⁵ Washington County Petition at 2.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 1-2.

¹⁴⁸ *Id.* at 1 n.1.

¹⁴⁹ *Id.* at 2.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² DFTC Petition at 1.

¹⁵³ *Id.* at 5.

¹⁵⁴ *Id.* at 1,4.

¹⁵⁵ *Id.* at 1 n.2, 2.

¹⁵⁶ *Id.* at 2.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 3.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.* at 4-5.

¹⁶⁴ MCTC Petition at 1.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 1, 4.

¹⁶⁷ *Id.* at 2. MCTC anticipates approximately 1000 customers utilizing per line blocking.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 2-3.

¹⁷¹ *Id.* at 3.

¹⁷² *Id.* at 3-4.

¹⁷³ NTC Petition at 1.

notification requirements contained in Section 64.1603 of the Commission's rules.¹⁷⁴ It seeks a waiver until April 1, 1996, and asserts that prior to that date customers with per line blocking would be able to request that privacy not be provided by dialing *67.¹⁷⁵ NTC is an independent telephone company serving approximately 3,700 access lines in several communities in Wisconsin with five customers utilizing per line blocking.¹⁷⁶ NTC asserts that its current network utilizes a Northern Telecom DMS 10 switch with three remotes and that it has been providing Caller ID to its customers under state tariff since May 1995.¹⁷⁷ It offers per call and per line blocking to its customers pursuant to the policies adopted by the Wisconsin Public Service Commission policies.¹⁷⁸ It claims that it recently learned that its Northern Telecom switch is unable to provide the *82 unblocking capability.¹⁷⁹ It requests this waiver to enable it to conduct, in an economical and efficient manner, necessary network upgrades to support the *82 unblocking capability.¹⁸⁰ NTC uses similar arguments to those of DFTC to support its request.¹⁸¹ Regarding its request for a waiver of the customer notification requirements, NTC asserts that a waiver is necessary to avoid potential customer confusion, because current blocking arrangements are not changing and the *82 unblocking capability is unavailable.¹⁸²

B. Discussion

39. As stated *supra*, the Commission may waive any provision of its rules, in whole or in part, if good cause is shown.¹⁸³ An applicant for waiver must demonstrate that special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹⁸⁴ We conclude that waivers in this instance are warranted and that Frontier-Sylvan Lake, Frontier-New York, Washington County, DFTC, MCTC, and NTC should be granted the relief requested pertaining to the *82 unblocking capability. These parties have indicated that software has not been deployed within their switches that supports the *82 unblocking capability. Each petitioner has indicated that it has concrete plans to deploy the software within the following year. We believe the date each of these carriers has requested to comply with the Commission's rule requiring the *82 unblocking capability is reasonable. Furthermore, we believe granting these waivers serves the public interest in that they will avoid potentially inefficient cost expenditures that may lead to either additional costs to all ratepayers or reduced opportunities for other new services. Finally, we believe that given the short duration of the waivers, the limited number of customers affected by these requests, the availability of *67 per call blocking, and that CPN will be passed, our federal objectives will be minimally impacted. We, therefore, grant each company's request for waiver of the Commission's rules requiring the

*82 unblocking capability, for the time period each has requested. We note that while no carrier explicitly requested relief pertaining to the use of *67 as an unblocking code, implicit in most requests was that customers with per line blocking currently using *67 as an unblocking code would continue to do so through the duration of the waiver. For reasons discussed *supra*, we grant waivers of Section 64.1601(b) insofar as it prohibits the use of *67 as an unblocking code for lines with per line blocking for each of these carriers for the duration of its waiver.¹⁸⁵

40. DFTC, MCTC, NTC and Washington County additionally request waivers of the customer notification requirements. Washington County requests a waiver of those aspects of the customer notification requirements pertaining to the *82 unblocking capability, whereas DFTC, MCTC and NTC request waivers of all the customer notification requirements. As we stated above, we find that granting a waiver of the entire notification requirements is unnecessarily broad and may cause customers, in the absence of notification, to be unaware that their telephone numbers may be revealed to called parties and that they may block that delivery by dialing *67. Therefore, we grant Washington County's waiver request pertaining to customer notification regarding the *82 unblocking capability. We grant DFTC, MCTC and NTC waiver requests in part, and deny them in part. Specifically, we deny their requests for waiver of the entire customer notification requirement, but grant each of them waivers of the customer notification requirements as they pertain to the *82 unblocking capability. These waivers will apply for the time period each carrier has requested.

V. TECHNICAL PROBLEMS WITH CERTAIN TYPES OF SUBSCRIBER LINES

A. Petitions

41. North State Telephone Company (North State) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commission's rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁸⁶ It seeks a waiver affecting 600 customers with per line blocking until February 1, 1996, and asserts that prior to that date these customers would be able to request that privacy not be provided by dialing *67.¹⁸⁷ North State is an independent telephone company with three digital switches serving approximately 105,000 access lines in areas in and around High Point, North Carolina.¹⁸⁸ North State indicates that 1000 of its customers have Frequency Selective Ringing (FSR) lines, which do not support the *82 capability.¹⁸⁹ North State asserts that it has only recently become aware of this

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 1, 4.

¹⁷⁶ *Id.* at 2.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.* at 3.

¹⁸¹ *Id.* at 3-4. See *supra* at para. 36.

¹⁸² *Id.* at 4.

¹⁸³ See 47 C.F.R. § 1.3.

¹⁸⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164,

1166 (D.C. Cir. 1990).

¹⁸⁵ See *supra*, para. 27.

¹⁸⁶ North State Petition at 1.

¹⁸⁷ *Id.* at 3.

¹⁸⁸ *Id.* at 2.

¹⁸⁹ *Id.* Attachment A at 1. North State indicates that prior to the implementation of single party service in 1988, it utilized a unique network configuration called Frequency Selective Ringing to provide an advanced party line service to customers. It indicates that over the years, it has moved the majority of its lines from the FSR environment to what it refers to as RES. It

problem and that it has been working diligently to upgrade these lines to support the *82 unblocking capability.¹⁹⁰ It states that upgrading these lines requires field visits to each of the customers location and manual upgrades to the users equipment.¹⁹¹ It further notes that it has begun the process of upgrading these lines and is proceeding at a rate of 19 customers per business day.¹⁹² North State indicates that following upgrades to these lines it will provide a special notification to the affected customers.¹⁹³ North State contends that grant of the waiver would be in the public interest because it will allow North States to make the necessary upgrades in an economical and efficient manner.¹⁹⁴

42. Century-Ohio requests a waiver until it can remedy similar technical problems that prevent the *82 per call unblocking capability from functioning correctly.¹⁹⁵ Specifically, it requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability.¹⁹⁶ It also seeks a waiver of the December 1, 1995 deadline for complying with customer notification requirements contained in Section 64.1603 of the Commission's rules.¹⁹⁷ It seeks these waivers until the end of 1996.¹⁹⁸ Century-Ohio is a small, rural LEC that uses Northern Telecom DMS-100 switches.¹⁹⁹ Like North State, it indicates that in order to implement the *82 unblocking capability it must make modifications to certain types of subscriber access lines.²⁰⁰ Century-Ohio states that it has identified 13,622 of its subscribers whose lines may possibly need modification, and that it is in the process of contacting them to determine which lines actually do, stating that it estimates that approximately 2,700 of the lines will need modification.²⁰¹ It requests a waiver until the end of 1996 to identify lines affected by this problem and to make the necessary modifications.²⁰² It supports its waiver request with arguments similar to those advanced by Northeast Louisiana.²⁰³

B. Discussion

43. As stated *supra*, the Commission may waive any provision of its rules, in whole or in part, if good cause is shown.²⁰⁴ An applicant for waiver must demonstrate that special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.²⁰⁵ We conclude that waivers in this instance are warranted and that North State and Century-Ohio should be granted the relief requested pertaining to the *82 unblocking capability. These parties have demonstrated that special circumstances exist in that their switches possess a unique technical problem that does not permit the *82 unblocking capability to function properly. Each petitioner has indicated that it has concrete plans for correcting the tech-

nical problem that prevents proper operation of the *82 unblocking capability. We believe the dates each has requested to comply with our rule requiring the *82 unblocking capability are reasonable. Furthermore, we believe granting these waivers serves the public interest in that they will avoid potentially inefficient cost expenditures that may lead to either additional costs to all ratepayers or reduced opportunities for provision of other new services. Finally, we believe that given the short duration of the waivers, the limited number of customers effected by these requests, the availability of *67 per call blocking, and that CPN will be passed, our federal objectives will be minimally impacted. We therefore grant each company's request for waiver of the Commission's rules requiring the *82 unblocking capability, for the time period each has requested. We note that while North State has not requested relief pertaining to the use of *67 as an unblocking code, it has indicated that customers with per line blocking currently using *67 as an unblocking code would continue to do so through the duration of its waiver. For reasons discussed *supra*, we grant a waiver of Section 64.1601(b) insofar as it prohibits the use of *67 as an unblocking code for lines with per line blocking for North State for the duration of its waiver.²⁰⁶

44. Century-Ohio additionally requests a waiver of the customer notification requirements. As we stated above, we find that granting a waiver of all notification requirements is too broad and may cause customers, in the absence of notifications, to be unaware that their telephone numbers may be revealed to called parties and that they may block that delivery by dialing *67. Therefore, we grant Century-Ohio's waiver request in part and deny it in part. Specifically, we deny its request for waiver of all customer notification requirements, but grant a waiver of the customer notification requirements as they pertain to the *82 unblocking capability. This waiver will apply until December 31, 1996.

VI. OTHER (Ameritech, Puerto Rico Telephone Company, LEC Associations)

A. Petitions

45. Ameritech requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601(b) of the Commissions rules insofar as it requires carriers to implement the *82 per call unblocking capability.²⁰⁷ It seeks a waiver affecting 16,000 customers with per line blocking in the state of Wisconsin until March 1, 1996, and asserts that prior to that date these customers would be able to request

states that RES lines support advanced calling features, while FSR lines do not. It indicates that most of its FSR lines serve customers who are rotary dial users with older telephone sets.

¹⁹⁰ *Id.* at 2-3.

¹⁹¹ *Id.* at 3, Attachment A at 2.

¹⁹² *Id.* at Attachment A at 3.

¹⁹³ *Id.* at 4.

¹⁹⁴ *Id.* at 3.

¹⁹⁵ Century Petition at 3.

¹⁹⁶ *Id.* at 1.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.* at 3.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.* at 5-6. See *supra* para. 17.

²⁰⁴ See 47 C.F.R. § 1.3.

²⁰⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁰⁶ See *supra*, para. 27.

²⁰⁷ Ameritech Petition at 4.

that privacy not be provided by dialing *67.²⁰⁸ It indicates that the waiver is needed to allow Ameritech more time to make switch modifications and to ensure proper consumer education.²⁰⁹ Ameritech states that it has approximately 180,000 customers with per line blocking and that none of the per line blocking customers outside of Wisconsin had the ability to request that privacy not be provided on a per call basis prior to the Commission's *May 5th Order*.²¹⁰ It asserts that because per line blocking customers in Wisconsin have *67 unblocking capability, the conversion to *82 unblocking is more time consuming than converting offices where per call unblocking capabilities previously had not been offered.²¹¹ This is because it must first disable the use of *67 as an unblocking capability and coordinate education efforts on an office-by-office basis as lines are converted.²¹² Ameritech reports that it will have *82 per call unblocking implemented in all states that it serves except Wisconsin by December 1, 1995.²¹³

46. Puerto Rico Telephone Company (PRTC) requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601 of the Commission's rules, which requires CPN passage, blocking and unblocking capabilities, and of Section 64.1603 of the Commission's rules, which requires customer notification.²¹⁴ It seeks this waiver until January 31, 1996.²¹⁵ PRTC indicates that it uses a variety of switches and has made arrangements to install software to upgrade its switches to pass CPN.²¹⁶ PRTC further claims that it will be prepared to pass CPN by January 31, 1996.²¹⁷ With respect to its request for waiver of the customer notification requirements, it contends that its customers would be confused if PRTC notified them that their telephone numbers might be disclosed before its software to pass CPN and provide blocking capabilities is fully operational.²¹⁸

47. National Telephone Cooperative Association (NTCA), Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) and the United States Telephone Association (USTA) (LEC Associations) request that the Commission grant a blanket waiver of Section 64.1601(a) of the Commission's rules, which requires carriers to pass CPN, and Section 64.1601(b) of the Commission's rules, which requires carriers to provide blocking and unblocking capabilities.²¹⁹ They request that the Commission issue a waiver that would apply to all LECs that meet either of the following requirements: (1) the software release necessary to offer the *67 or *82 block/unblocking feature is not available; or (2) deployment of such necessary software is planned according to a verifiable schedule, but acceleration of that schedule to meet the December 1, 1995, effective date would not be economically feasible.²²⁰ In support of this request, the LEC Associations refer to the numerous individual filed by LECs seeking relief.²²¹ They additionally assert that the Commission has already

determined that the policy interest in promoting the deployment of advanced services should not require LECs to undertake investments in SS7 that they would not otherwise make.²²² They further state that this is particularly true in the case of telephone companies that provide service to high cost areas.²²³ Finally, they indicate that the Commission has already noted that LECs have incentives to deploy SS7 and that these same incentives would lead to deployment of CLASS features.²²⁴

B. Discussion

48. As stated *supra*, the Commission may waive any provision of its rules, in whole or in part, if good cause is shown.²²⁵ An applicant for waiver must demonstrate that special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.²²⁶ We conclude that Ameritech should be granted the relief that it requests. We find that Ameritech has demonstrated that special circumstances exist because (1) existing blocking arrangements in its switches differ from those the Commission has adopted and (2) a significant number of customers subscribe to per line blocking with *67 currently serving as the per call unblocking code. We find that Ameritech has made significant progress in meeting our rules requiring the *82 unblocking capabilities, as demonstrated by the fact that all lines within its multi-state service area except those in Wisconsin will have this capability as of the scheduled effective date of the Commission's rules. Additionally, it has provided concrete plans to provide the *82 unblocking capability for per line blocking customers in Wisconsin. We believe that the short duration that Ameritech has requested to comply with our rule requiring the *82 unblocking capability is reasonable, in view of Ameritech's claim that each subscriber line in Wisconsin with per line blocking must be individually modified. Furthermore, we believe granting this waiver serves the public interest in that it will avoid possibly inefficient expenditures and customer confusion. Finally, we believe that given the short duration of the waiver, the limited number of customers affected by these requests, the availability of *67 per call blocking, and that CPN will be passed, our federal objectives will be minimally impacted. Thus, we grant Ameritech's waiver request. We note that while Ameritech has not requested relief pertaining to the use of *67 as an unblocking code, it has indicated that customers with per line blocking currently using *67 as an unblocking code would continue to do so through the duration of its waiver. For reasons discussed *supra*, we grant a waiver of Section 64.1601(b) insofar as it prohibits the use of *67 as an unblocking code for lines with per line blocking for Ameritech in Wisconsin for the duration of its waiver.²²⁷

208 *Id.*
 209 *Id.*
 210 *Id.*
 211 *Id.*
 212 *Id.* at 4-5.
 213 *Id.* at 4.
 214 PRTC Petition at 1.
 215 *Id.*
 216 *Id.*
 217 *Id.*

218 *Id.* at 2.
 219 LEC Associations Petition at 3.
 220 *Id.*
 221 *Id.* at 1-2.
 222 *Id.* at 2-3.
 223 *Id.* at 3.
 224 *Id.*
 225 See 47 C.F.R. § 1.3.
 226 *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).
 227 See *supra*, para. 27.

49. PRTC requests a waiver of the December 1, 1995 deadline for complying with Section 64.1601 of the Commission's rules requiring CPN passage, blocking and unblocking capabilities, and of Section 64.1603 of the Commission's rules requiring customer notification. While PRTC's petition is somewhat unclear as to the exact nature of its difficulties, it would appear that PRTC needs to deploy additional software to support blocking and unblocking capabilities. We conclude that a waiver in this instance is warranted and that PRTC should be granted the relief requested. We find that because PRTC operates a variety of switch types in its network and apparently has recently deployed SS7 call set up capabilities, the amount of additional time, two months, is reasonable to complete network upgrades and to provide customer notifications. Furthermore, while we are reluctant to delay passage of CPN, we seek to avoid a situation in which a caller's privacy may be compromised. Therefore, particularly in light of the short duration of the request, we find PRTC's request is in the public interest and grant the requested waiver.

50. The LEC Associations seek a blanket waiver of various aspects of our caller ID rules. We conclude that waivers in this instance are not warranted and that the LEC Associations' request should be denied. The Commission has already issued a stay regarding its caller ID rules pertaining to carriers that do not have CLASS capabilities.²²⁸ This would appear to address many of the concerns raised by the LEC Associations. Furthermore, the stay that the Bureau issues in this order pertaining to carriers using DCO switches and the numerous waivers granted appear to address the majority of the other concerns raised by the LEC Associations. Additionally, the blanket waiver sought by the LEC Associations is very broadly defined and no future compliance date is suggested. Grant of such an open-ended waiver may result in certain portions of the public never receiving the benefits of CPN-based services.²²⁹ Finally, we note that the LEC Associations' assertion that the Commission has already determined that the public interest in promoting the deployment of advanced services should not require LECs to undertake investments in SS7 that they would not otherwise make mischaracterizes the Commission's findings in this proceeding. The Commission has stated that the rules adopted in this proceeding do not require carriers that do not have SS7 call set up capability to deploy that capability.

VII. ORDERING CLAUSES

51. Accordingly, IT IS 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 rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers 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 carriers using Siemens Stromberg Carlson DCO switches IS STAYED until January 1, 1997.

52. 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 rule contained in Section 64.1603, which requires a carrier to provide customer notification regarding the *82 unblocking capability, as it applies to carriers using Siemens Stromberg Carlson DCO switches for customers served by these switches, IS STAYED until January 1, 1997.

53. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 Ameritech's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and bar a carrier from recognizing *67 as a caller's request that privacy not be provided, as they apply to Ameritech subscribers with per line blocking in the state of Wisconsin, IS GRANTED until March 1, 1996.

54. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3 and 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 Century-Ohio's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided and for the Commission's rules contained in Section 64.1603 which require a carrier to provide customer notifications regarding the *82 unblocking capability, IS GRANTED until December 31, 1996. Century-Ohio's request for a waiver of all customer notification requirements contained in Section 64.1603 of the Commission's rules IS DENIED.

55. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 DFTC's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and bar a carrier from recognizing *67 as a caller's request that privacy not be provided, and for the Commission's rules contained in Section 64.1603 that require a carrier to provide customer notifications regarding the *82 unblocking capability IS GRANTED until July 31, 1996. DFTC's request for a waiver of all customer notification requirements contained in Section 64.1603 of the Commission's rules IS DENIED.

56. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 Frontier-New York and Frontier-Sylvan Lakes request for a waiver of the Commission's rules contained in Section 64.1601(b), which requires a carrier to recognize *82 as a callers request that privacy

²²⁸ See *November 30th Order* at paras. 62-65.

²²⁹ We note that these issues will be considered in the Fourth Notice of Proposed Rulemaking contained in the *November 30th Order*.

not be provided, and that bar a carrier from recognizing *67 as a caller's request that privacy not be provided, IS GRANTED until January 1, 1997.

57. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 MCTC's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and bar a carrier from using *67 as a caller's request that privacy not be provided, and for the Commission's rules contained in Section 64.1603 that require a carrier to provide customer notifications regarding the *82 unblocking capability IS GRANTED until April 1, 1996. MCTC's request for a waiver of all customer notification requirements contained in Section 64.1603 of the Commission's rules IS DENIED.

58. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 NTC's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and bar a carrier from recognizing *67 as a caller's request that privacy not be provided, and for the Commission's rules contained in Section 64.1603 that require a carrier to provide customer notifications regarding the *82 unblocking capability IS GRANTED until April 1, 1996. NTC's request for a waiver of all customer notification requirements contained in Section 64.1603 of the Commission's rules IS DENIED.

59. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 North State's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and bar a carrier from recognizing *67 as a caller's request that privacy not be provided, as it applies to Norths States customers with subscriber lines that make the *82 unblocking capability inoperable IS GRANTED until February 1, 1996.

60. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 PRTC's request for a waiver of the Commission's rules contained in Sections 64.1601 and Sections 64.1603 IS GRANTED until January 31, 1996.

61. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 Washington County's request for a waiver of the Commission's rules contained in Section 64.1601(b), which require a carrier to recognize *82 as a callers request that privacy not be provided, and that bar a carrier from recognizing *67 as a caller's request that privacy not be provided, and for the Commission's

rules contained in Section 64.1603, which require a carrier to provide customer notifications regarding the *82 unblocking capability, IS GRANTED until June 30, 1996.

62. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 Pond Branch and NFTC's requests for a waiver ARE DISMISSED AS MOOT.

63. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 Century-9, DMRT, FTC, Hills, LEC Associations, Lakedale, Northeast Louisiana, Pacific and Sioux Valley's requests for waiver ARE DENIED.

64. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 BELLSOUTHs request for a waiver of the Commission's rule contained in Section 64.1601(b) that requires a carrier to recognize *67 as a callers request that privacy be provided as it applies to BellSouth subscribers in the states of Louisiana and Mississippi IS DENIED.

65. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. §§ 1.3, and 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 BELLSOUTHs request for a waiver of the Commission's rule contained in Section 64.1601(b), which requires a carrier to recognize *82 as a callers request that privacy not be provided, as it applies to BellSouth subscribers in the states of Alabama, Kentucky, Louisiana, Mississippi and Tennessee IS DENIED.

66. IT IS FURTHER ORDERED that this order is effective upon adoption.

FEDERAL COMMUNICATIONS COMMISSION

Regina M. Keeney
Chief, Common Carrier Bureau

APPENDIX A: List of Petitioners and Parties**I. Parties filing Petitions**

Ameritech Petition for Waiver of October 6, 1995

BellSouth Petition for Limited Waiver of September 1, 1995

Century Telephone of Claiborne, Inc., Century Telephone Company of Adamsville, Inc., Century Telephone of North Mississippi, Inc., Century Telephone of Evangeline, Inc., Century Telephone of Southwest Louisiana, Inc., Century Telephone of Larsen-Readfield, Inc., Century Telephone of Northwest Wisconsin, Inc., Century Telephone of Northern Wisconsin, Inc., Century Telephone of Michigan, Inc. and Century Telephone of Ohio, Inc. (Century) Requests for Waivers of November 21, 1995

Daviess-Martin Rural Telephone Corporation (DMTR) Petition for Temporary Waivers of November 29, 1995

Deerfield Farmer's Telephone Company (DFTC) Petition for Temporary Waiver of November 20, 1995

Farmers Telephone Cooperative, Inc. (FTC) Petition for Temporary Waiver of November 9, 1995

Frontier Communications of New York (Frontier-New York) and Frontier Communications of Sylvan Lake (Frontier-Sylvan Lake) Petition for Waiver of August 18, 1995

Lakedale Telephone Company (Lakedale) Request for Waiver of November 20, 1995

Merrimack County Telephone Company (MCTC) Petition for Temporary Waiver of November 27, 1995

National Telephone Cooperative (NTCA), Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO), and the United States Telephone Association (USTA) (LEC Associations) Joint Petition for Waiver of November 29, 1995

Nelson Telephone Cooperative, Inc. (NTC) Petition for Temporary Waiver of November 21, 1995

Northeast Florida Telephone Company, Inc. (NFTC) Petition for Temporary Waiver of November 29, 1995

Northeast Louisiana Telephone Company, Inc.'s (Northeast Louisiana) Request for Waiver of October 31, 1995

North State Telephone Company (North State) Petition for Limited, Temporary Waiver of November 6, 1995

Pacific Bell Request for Temporary and Limited Waiver of October 6, 1995

Pond Branch Telephone Company, Inc. (Pond Branch) Petition for Waiver of October 12, 1995

Puerto Rico Telephone Company (PRTC) Petition for Waiver of November 20, 1995

Sioux Valley Telephone Company (Sioux Valley) and Hills Telephone Company, Inc. (Hills) Request for Waivers of November 1, 1995

Washington County Rural Telephone Cooperative, Inc. (Washington County) Petition for Waiver of November 15, 1995

II. Parties Filing Comments

People of the State of California and the Public Utilities Commission of the State of California (CPUC)