

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

DA 96-2181

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

MEMORANDUM OPINION and ORDER

Adopted: December 23, 1996

Released: December 23, 1996

By the Deputy Chief, Common Carrier Bureau:

I. INTRODUCTION and BACKGROUND

1. Southwestern Bell Telephone Company ("SWBT") seeks a stay of Section 64.1601(b) of the caller identification ("Caller ID") rules.¹ Section 64.1601 was adopted to permit callers to block passage of their numbers when using Caller ID and other calling party number ("CPN") based services. The carrier seeks a stay of the requirements that implement per call blocking (*67) and per call unblocking (*82) on public payphones, hotel and motel lines, Centrex and Plexar lines, and lines equipped with the automatic call return ("ACR") feature. For the reasons discussed below, we grant SWBT's petition. In addition, on our own motion, we suspend the application of Section 64.1601(b) to party lines and the application of Section 64.1601(a) to LECs without CLASS software.

2. Section 64.1601(a) of the Commission's rules requires common carriers using Signaling System Seven ("SS7") to transmit the calling party number ("CPN") associated with an interstate call to interconnecting carriers.² Section 64.1601(b) prohibits carriers from revealing a caller's name or number when the caller requests that information not be provided to the called party. Section 64.1601(b) also requires carriers employing SS7 to recognize *67 as a request for privacy on an interstate call.³ This rule also requires that if a carrier offers per line blocking

¹ 47 C.F.R. § 64.1601.

² *Id.*

³ *Id.*

it must recognize *82 as a caller's request that the CPN not be blocked on an interstate call.⁴ Section 64.1601(b) applies to the delivery of the CPN, and extends to call return services.⁵

3. In the May 5, 1995 Order, in response to requests for clarification of its Caller ID rules, the Commission stated that carriers must provide blocking and unblocking capabilities on public payphones and party lines by January 1, 1997.⁶ The Commission also stated that the Caller ID rules applied to hotel and motel lines.⁷ With the May 5, 1995 Order, the Commission released a Third Notice that addressed Caller ID blocking and unblocking requirements as they apply to payphones and private branch exchange systems ("PBXs"). On July 5, 1995, BellSouth filed for reconsideration of the May 5, 1995 Order as it applied to blocking and unblocking requirements on payphones, hotel and motel lines, party lines and lines equipped with the ACR feature.⁸

4. On September 28, 1995, SWBT filed a petition requesting that the Commission stay Section 64.1601(b)⁹ of its rules until it ruled on issues raised in the BellSouth Reconsideration Petition and the Third Notice. In response, the Commission stayed the application of Section 64.1601(b) for hotel and motel lines and lines equipped with the ACR feature until January 1, 1997.¹⁰ Section 64.1601(b) was stayed for Centrex and Plexar lines until further notice in the October 30, 1995 Order.¹¹ In granting the stay, the Commission noted that carriers could incur costly and inefficient network upgrades if they started to comply with Commission rules prior to the resolution of issues raised in the Third Notice.¹² The Commission did not, however, stay the blocking and unblocking requirements for payphones because the decision to grant a stay

⁴ *Id.*

⁵ 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 ("Third Notice"), 10 FCC Rcd 11700, 11708 (1995)("May 5, 1995 Order").

⁶ *Id.* at 11739.

⁷ *Id.*

⁸ BellSouth's Petition for Partial Further Reconsideration and Partial Initial Reconsideration is referred to as the "BellSouth Reconsideration Petition."

⁹ 47 C.F.R. § 64.1601(b).

¹⁰ Rule and Policies Regarding Calling Number Identification Service - Caller ID, Order, 10 FCC Rcd 13819, 13820 (1995)("October 30, 1995 Order").

¹¹ *Id.* at 13820.

¹² *Id.*

appeared premature since the rules for payphones were not to take effect until January 1, 1997.

5. On September 27, 1996, SWBT filed a petition requesting that the Commission stay limited aspects of Section 64.1601 until the Commission ruled on the BellSouth Reconsideration Petition and the Third Notice. The SWBT petition was placed on public notice October 4, 1996. The carrier requests that the stay apply to payphones, hotel and motel lines, Centrex and Plexar lines, and lines equipped with the ACR feature. SWBT contends that the Commission should stay the application of the Caller ID rules to these categories of lines because of the same concerns that SWBT raised in its September 28, 1995 request. U S West, Ameritech, BellSouth, Lufkin-Conroe Telephone Exchange, Inc., and NYNEX filed comments in support of SWBT's petition. In addition, U S West stated that the stay requested by SWBT should extend to cover party lines.¹³

II. DISCUSSION

6. After reviewing the record, we conclude that the public interest would best be served by temporarily staying the application of Section 64.1601(b) to hotel and motel lines, public payphones, party lines, and call return services; and the application of Section 64.1601(a) to LECs without CLASS software.¹⁴ We find that a stay is warranted because blocking and unblocking requirements for these categories of lines may be modified as a consequence of information received in response to the Third Notice, the Fourth Notice, and the BellSouth Reconsideration Petition.

7. In the October 30, 1995 Order the Commission stayed Section 64.1601(b) for calls that originated from hotel and motel lines until January 1, 1997. In reaching that decision, the Commission stated that "... no matter how the issues raised in BellSouth's Reconsideration Petition are resolved, and even if the Commission adheres to its original decision in every material respect, complying with these rules prior to the resolution of issues raised in the Third Notice impose costly and inefficient expenditures for network upgrades."¹⁵ The Commission also noted that "if it adopted rules different from the existing Caller ID rules, then carriers

¹³ In addition to filing comments, on October 24, 1996, U S West also filed a petition for stay of Section 64.1601(b) as it applies to public payphones, hotel and motel lines, Centrex systems, and party lines.

¹⁴ See Rules and Policies Regarding Calling Number Identification Service - Caller ID, Order and Fourth Notice of Proposed Rulemaking, 10 FCC Rcd 13796 (1995) ("Fourth Notice"). In the Fourth Notice the Commission is reviewing whether and to what extent the Caller ID rules should apply to LEC switches without CLASS software.

¹⁵ October 30, 1995 Order at 13819.

would have to deploy two separate software packages unnecessarily."¹⁶ The Commission therefore expressed concern that carriers could incur economic harm if they had to comply with the Caller ID rules prior to the Commission's review of the blocking and unblocking requirements for certain categories of lines.¹⁷ We find this reasoning is applicable to SWBT's current petition because the Commission is in the process of evaluating information that was filed in response to the Third Notice, the Fourth Notice, and the BellSouth Reconsideration Petition.¹⁸

8. We recognize that in issuing the existing stay the Commission anticipated that this proceeding would have concluded prior to January 1, 1997, and note that since this proceeding remains open, the Commission's concern about economic harm continues to be as valid now as it was then. Because the Commission granted the Bureau authority to "rule on any additional petitions for waivers and stays related to [the] Caller ID rules,"¹⁹ we conclude that a stay of the application of Section 64.1601(b) as it applies to public payphones, hotel and motel lines, party lines, and call return services; and the application of Section 64.1601(a) as it applies to LECs without CLASS software, is warranted.

III. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority that is delegated pursuant to Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that SWBT's petition IS GRANTED to the extent stated herein and is otherwise DENIED in all respects.

10. Accordingly, IT IS ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority that is delegated pursuant to Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that U S West's petition IS GRANTED to the extent stated herein and is otherwise DENIED in all respects.

11. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority that is delegated pursuant to Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that Section 64.1601(b) as it applies to suppression of call return services and to per call blocking and unblocking for public pay telephones, hotel and motel lines, and party lines, IS STAYED until further order.

¹⁶ *Id.*

¹⁷ *Id.* at 13819.

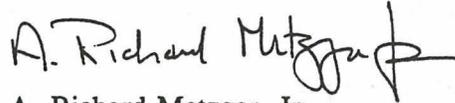
¹⁸ *See also id.* at 13820 (concerns expressed by the Commission with respect to possible harm).

¹⁹ *Id.*

12. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority that is delegated pursuant to Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that Sections 64.1601(a) and 64.1603 as they apply to LEC switches without CLASS software, IS STAYED until further order.

13. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority that is delegated pursuant to Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, that Southwestern Bell Telephone Company's request for stay IS DISMISSED on the issue of Centrex and Plexar lines.²⁰

FEDERAL COMMUNICATIONS COMMISSION



A. Richard Metzger, Jr.
Deputy Chief, Common Carrier Bureau

²⁰ SWBT's request regarding Centrex and Plexar lines is moot because the application of the Caller ID rules to these lines was stayed until further notice in the October 30, 1995 Order. See October 30, 1995 Order at 13820.