

- (2) **Definitions.** The following words and terms, when used in this subsection, shall have the following meanings, unless the context clearly indicates otherwise.
- (A) **Caller Identification Materials (Caller ID Materials)** — Any advertisements, educational materials, training materials, audio and video marketing devices, and any information disseminated about Caller ID services.
 - (B) **Caller Identification Service (Caller ID Service)** — A service offered by a telecommunications provider that provides calling party information to a device capable of displaying the information.
 - (C) **Calling party information** —
 - (i) the telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or
 - (ii) other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.
 - (D) **Per-call blocking** — A telecommunications service provided by a telecommunications provider that prevents the transmission of calling party information to a called party on a call-by-call basis.
 - (E) **Per-line blocking** — A telecommunications service provided by a telecommunications provider that prevents the transmission of calling party information to a called party on every call, unless the calling party acts affirmatively to release calling party information.
- (3) **Per-call and per-line blocking options.** Unless otherwise ordered by the commission pursuant to the provisions of subsections (b) and (c) of this section, telecommunications providers that provide caller ID service must:
- (A) provide all customers with a free per-call blocking option; and
 - (B) provide all customers with a free per-line blocking option.
- (4) **Customer Notification.** When a customer requests per-line blocking through the commission, the telecommunications provider shall notify the customer by mail of the effective date that per-line blocking will be instituted. When a telecommunications provider providing Caller ID service to a customer originating a call becomes aware of a failure to block the delivery of calling party information from a line equipped with per-line blocking or per-call blocking (and the caller had attempted to block the call), it shall report such failure to the Caller ID Consumer Education Panel, the commission, and the affected customer if that customer did not report the failure. The provider shall report such failure to the Commission by contacting the Commission liaison to the Panel. A reasonable effort shall be made to notify the affected customer within 24 hours after the provider becomes aware of such failure.
- (5) **Caller ID Consumer Education Panel.** The Caller ID Consumer Education Panel shall consist of one person appointed by the Governor, one person appointed by the chair of the commission, after consultation with the Texas Council on Family Violence, and one person appointed by the Public Counsel of the Office of Public Utility Counsel. A commission staff member shall serve as liaison between the panel and the commission.
- A) **Role of the Caller ID Consumer Education Panel.** The Panel shall meet at least quarterly to:
 - (i) review the level of effort and effectiveness of consumer education materials;
 - (ii) investigate whether educational materials are distributed in as effective a manner as marketing materials; and
 - (iii) develop recommendations for the commission related to the safe use of Caller ID services, promotion and preservation of privacy for both the called and calling customers, and decreasing the likelihood of harm resulting from Caller ID services.
 - (B) **Reporting.** The panel shall file an annual report with the commission detailing its findings pursuant to subparagraph (A)(i) and (ii) of this paragraph, and its recommendations for increasing the safe use and privacy of the calling customer and decreasing the likelihood of harm resulting from Caller ID services. The commission may implement the recommendations

of the panel, as well as those of any interested party, to the extent consistent with the public interest.

- (C) **Evaluation of the Panel.** The commission shall evaluate the panel annually. The evaluation shall be conducted by an evaluation team appointed by the executive director of the commission. The commission liaison, members of the panel, and any other commission employee who works either directly or indirectly with the panel shall not be eligible to serve on the evaluation team. The evaluation team will report to the commission in open meeting each August of its findings regarding:
 - (i) the panel's work;
 - (ii) the panel's usefulness; and
 - (iii) if the panel is reimbursed for its costs by the state, the costs related to the panel's existence, including the cost of agency staff time spent in support of the panel's activities.
 - (D) **Duration of the Panel.** The panel shall disband on September 1, 1999, unless reauthorized by statute.
 - (E) **Filing of Caller ID Materials.** All telecommunications providers offering Caller ID services shall provide all existing Caller ID materials used as well as all future materials (when they become available) as set out in clauses (i) and (ii) of this subparagraph.
 - (i) One copy of all such material shall be mailed to each member of the Panel.
 - (ii) Two copies of all such material shall be filed in Central Records under Project No. 14505.
- (h) **Usage of calling party information in other services.** Effective January 1, 1997, a dominant certificated telecommunications utility may not use calling party information to allow the called party to contact the calling party, when that calling party had indicated a desire for privacy in the initial call by blocking the delivery of his or her calling party information through the use of either a "per-call" or "per-line" blocking option, as those terms are defined in subsection (g)(2)(D) and (E) of this section.