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JUL 13 2001

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

July 13, 2001

VIA HAND DELIVERY

Ms. Magalie Roman Salas Secretary Federal Communications Commission Room TW-A325 445 12th Street Washington, DC 20554

Re: Ex Parte Notification in WT Docket No. 01-72

Dear Secretary Salas:

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. §, notice is hereby submitted in WT Docket No. 01-72 regarding an ex parte presentation by representatives of the Intelligent Transportation Society of America ("ITS America") to the Commission. An original and one (1) copy of this notice are submitted for the record in this proceeding. I would ask that the extra copy of this letter be date stamped and returned via the courier for our records.

On July 12, 2001, Jason Conley, Staff Counsel for ITS America, Robert Kelly and Mark Johnson of the law firm of Squire, Sanders & Dempsey L.L.P., representing ITS America, met with the following personnel of the Policy Division of the Wireless Telecommunications Bureau: Kris Monteith, Division Chief, Barbara Reideler, Staff Attorney, and Jennifer Salhus, Staff Attorney. The purpose of this meeting was to discuss the Petition filed by the Cellular Telecommunications and Internet Association ("CTIA") requesting that the Commission commence a rulemaking proceeding to adopt proposed location information privacy principles in implementing Sections 222(f) and (h) of the Communications Act of 1934, as amended by Section 222 of the Wireless Communications and Public Safety Act of 1999.¹

¹ See Wireless Telecommunications Bureau Seeks Comment On Request To Commence Rulemaking To Establish Fair Location Information Principles, Public Notice, WT Docket No. 01-72, DA 01-696 (rel. March 16, 2001).

Prague received at 12:00

Ms. Magalie Roman Salas
July 13, 2001
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The representatives from ITS America described the organization, its role in the development and deployment of "Intelligent Transportation Systems" and the interest of its members in the pending Petition filed by CTIA. ITS America also serves as a utilized Federal Advisory Committee to the U.S. Department of Transportation. Specifically, ITSA members utilize both "aggregate" and "anonymous" location information derived from wireless telephone signals for purposes of traffic management and planning activities. "Telematics" providers similarly utilize wireless location information for the provisioning of emergency and information services to subscribing consumers. Representatives from ITS America also described the similarities and differences between CTIA's proposed "Fair Location Information Practices" and ITS America's "Fair Information and Privacy Principles."

The parties discussed whether the Wireless Communications and Public Safety Act of 1999 gives the Commission jurisdiction to regulate non-carriers that utilize wireless location information for traffic management and other transportation related activities. Further discussion ensued as to the definition of "aggregate information" under the Commission's CPNI rules, and if the public interest would be served by the Commission initiating a rulemaking on CTIA's Petition.

Copies of the materials, including ITS America's Reply Comments in this proceeding and background information about ITS America, given to the FCC representatives at the meeting are enclosed. Please do not hesitate to contact me if there are any questions about this filing.

Sincerely,



Mark D. Johnson

Enclosures

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

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APR 24 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of the Petition of the Cellular Telecommunications and Internet Association Regarding Proposed Location Information Privacy Principles)
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WT Docket No. 01-72

REPLY COMMENTS OF THE INTELLIGENT
TRANSPORTATION SOCIETY OF AMERICA

Pursuant to the Commission's Public Notice, released March 16, 2001,¹ the Intelligent Transportation Society of America ("ITS America") hereby submits its Reply Comments in support of the of the petition of the Cellular Telecommunications and Internet Association ("CTIA") requesting a rulemaking proceeding to adopt proposed location information privacy principles.

I. Summary

ITS America agrees with CTIA that the Commission should initiate a separate rulemaking proceeding, distinct from the Commission's Customer Proprietary Network Information ("CPNI") docket, to address the location privacy issues raised by CTIA's petition. Moreover, ITS America respectfully agrees with those commenters who urge the Commission to state unequivocally that the collection and use of anonymous and aggregate location data by wireless carriers is not subject to CPNI restrictions. Aggregate information is explicitly excepted from CPNI as it is defined in Section 222 of the Telecommunications Act of 1996. Anonymous, non-personally identifiable location information collected by wireless carriers and delivered to traffic management centers for purposes of monitoring vehicle traffic flows should be considered to be aggregate

¹ *Wireless Telecommunications Bureau Seeks Comment on Request to Commence Rulemaking to Establish Fair Location Information Practices*, Public Notice, DA 01-696 (rel. March 16, 2001).

information for purposes of Section 222 and for any rulemaking proceeding considered by the Commission.

Recognizing the sensitivity of location information, ITS America has developed self-regulatory principles for the intelligent transportation community. These principles contain notice and consent provisions for the collection and use of personally identifiable information and an opt-out standard for the collection of non-personally identifiable information.

II. Statement of Interest

The Intelligent Transportation Society of America ("ITS America")² is a 501(c)(3) educational and scientific research organization created in 1991 for the purpose of fostering the development and deployment of intelligent transportation systems.³ ITS America is a unique public/private partnership, serving as a utilized Federal Advisory Committee to the U.S. Department of Transportation. Half of ITS America's membership is comprised of public sector institutions such as state departments of transportation, metropolitan planning organizations, universities and other non-profit organizations. The other half of its members are from the private sector.

² ITS America is organized to be the focal point for facilitating the consensus necessary to develop and deploy ITS technologies. The Society operates under the executive leadership of a 48 member board of directors comprised of executives of public and private organizations including the Deputy Secretary of U.S. Department of Transportation and other department executives and industry leaders from the world of ITS. Members include organizations that develop, deploy, market, research, buy, sell and use ITS products, services and systems. Members come from the private sector, local, state, federal and international government agencies, academic institutions and research centers, and other associations.

³ Intelligent Transportation Systems ("ITS") represents the integrated application of advanced information, electronics, communications, and other technologies to surface transportation systems. This includes freeway monitoring and incident management, and transit fleet management as well as traveler information systems. ITS technologies also include electronic payment systems such as smart cards and other toll-tag transponders. In-vehicle electronic systems such as GPS-based navigation systems, automated crash notification, and collision avoidance systems are also ITS technologies.

III. The Petition

ITS America agrees with CTIA's petition⁴ that the Commission should initiate a proceeding that is separate and distinct from the Commission's CPNI docket. There is, at present, substantial uncertainty regarding the requirements placed on a carrier's ability to market customer location information to secondary users of that data. This includes the provision of such data necessary to effectuate the goals of intelligent transportation. These goals include public benefits such as monitoring traffic flows to relieve roadway congestion, the delivery of traveler information to inform and empower individual drivers as to route selection, and the provision of "mayday" emergency response services.

The Wireless Communications and Public Safety Act of 1999 ("WCPA")⁵ first determined that location information about the carriers' customers fell under the definition of Customer Proprietary Network Information ("CPNI").⁶ Second, the WCPA required carriers to obtain a customer's "express prior authorization" before disclosing that customer's location information to third parties except in an emergency.⁷ Upon the written request of their subscribers, carriers must also disclose location information to third parties designated by their subscribers.⁸ As noted in the petition, the Commission has to date deferred implementing the location privacy provisions of the WCPA. However, the Commission should act now to provide certainty to carriers and secondary users engaged in the deployment of intelligent transportation systems.

⁴ *In the Matter of Petition for Rulemaking*, Petition of the Cellular Telecommunications Industry Association for a Rulemaking to Establish Fair Location Information Practices (submitted November 22, 2000) ("*CTIA Petition*").

⁵ Pub. L. No. 106-81, 113 Stat. 1286 (1999) (codified at 47 U.S.C. § 222).

⁶ 47 U.S.C. § 222(h)(1)(A).

⁷ *Id.* at § 222(f)(1)

⁸ *Id.* at § 222(c)(2).

IV. Initial Comments Regarding CTIA's Petition

Twenty-four initial comments were submitted, the majority of which supported CTIA's petition. Supporting comments were received from wireless carriers,⁹ equipment manufacturers,¹⁰ industry associations,¹¹ an application provider¹² and the 911 community.¹³ Two public interest organizations expressed strong support behind the establishment of location information privacy principles.¹⁴ This issue, however, is not without controversy. Several commenters noted their belief that industry self-regulation would be more effective in protecting an individual's location information than would any government regulations.¹⁵ Still other commenters agree that location information should be protected, but question whether a formal rulemaking is appropriate at this time and if CTIA's proposed principles are workable.¹⁶

V. Any Rulemaking Should be Technologically Neutral

ITS America agrees with CTIA's proposed privacy principle that any restrictions on the collection and use of location data be technologically neutral. Several supporters

⁹ Comments of Cingular; Comments of Dobson Communications Corporation; Leap Wireless; Sprint PCS.

¹⁰ Comments of Ericsson; Comments of Nokia.

¹¹ Comments of Location Privacy Association; Comments of Rural Telecommunications Group; Comments of Wireless Location Industry Association; Comments of XNS Public Trust Organization.

¹² Comments of SiRF Technology.

¹³ Comments of Texas 911 Agencies.

¹⁴ Comments of Center for Democracy and Technology; Comments of Electronic Privacy Information Center.

¹⁵ Comments of Direct Marketing Association; Comments of Wireless Advertising Association.

¹⁶ Comments of AT&T Wireless; Comments of TruePosition, Inc.; Comments of Verizon Wireless; Comments of Wireless Consumers Alliance.

of CTIA's petition also concur that any rules promulgated by the Commission should not favor one technology over another.¹⁷

The Commission should realize, however, that other non-carriers also have the ability to collect location data. Closed circuit cameras, loop detectors, and transponders used by electronic toll collection systems have the capability to track the location of a vehicle as it travels through a metropolitan area. Parties utilizing these other methods of location data collection also have the ability to aggregate and distribute vehicle location data. However, each of these data collection methods complements rather than substitutes the location data collected by wireless carriers. A rich diversity of data feeds is necessary to ensure that accurate and effective intelligent transportation systems continue to mitigate congestion.

The WCPPA applies only to telecommunications carriers.¹⁸ However, it is not clear whether these same obligations to protect privacy would also apply to non-carriers. The Commission should recognize that there might be non-carriers involved in the collection of personally identifiable information, including location information. Consequently, the Commission should consider whether there is a need to extend WCPPA's privacy protections to these non-carriers and whether it has a proper basis to exercise its jurisdiction over them.

VI. The Use of Anonymous Location Data Should Not Be Impeded

The collection of anonymous, non-personally identifiable location data should not be subject to notice and consent requirements. CTIA's petition acknowledges as much, noting that under the CPNI framework, "a telecommunications carrier may, without customer approval, use, disclose or permit access to aggregate customer information

¹⁷ Comments of Dobson Communications Group at 5; Comments of Ericsson at 3; Comments of Leap Wireless at 7; Comments of Nokia at 5 Comments of Rural Telecommunications Group at 4.

¹⁸ See 47 U.S.C. § 222(c) (Each telecommunications carrier has a duty to maintain the confidentiality of CPNI information, including location information, related to their customers.)

that contains location information from which individual customer identities and characteristics have been removed.”¹⁹ This is the so-called “aggregate information” exception to the CPNI confidentiality restrictions on carriers.²⁰ To ensure the continued use of aggregate location information in intelligent transportation systems, ITS America urges the Commission to explicitly state that the collection and use of non-personally identifiable location data enjoys the exemptions of other aggregate information.²¹

Two types of anonymous location data are utilized in intelligent transportation systems. Traffic management centers and traffic information service providers often rely on “anonymous aggregate” location information.²² In this form of collection, carriers track the location of wireless customers, strip this information of personal identifiers, and aggregate the data before delivering it to secondary users. Traffic management centers use this information about the approximate location of wireless telephone users in automobiles to provide the general public, emergency services, and professional traffic managers with reliable and accurate traffic flow information.

When the signal of a wireless customer is tracked, stripped of personal identifiers, but not aggregated with the location of other customers, the result is referred

¹⁹ *CTIA Petition* at 6-7.

²⁰ See 47 U.S.C. § 222(c)(3) (permitted carriers to disclose “aggregate customer information” to third parties without the consent of the customer). “Aggregate Information” is defined elsewhere in the CPNI provisions as “collective data that relates to a group or category of services or customers, from which individual customer identifies and characteristics have been removed.” *Id.* at § 222(h)(2).

²¹ One commenter, the Wireless Location Industry Association, also noted the importance of maintaining the availability of aggregate information for a variety of purposes, including for traffic management purposes. Comments of Wireless Location Industry Association at 6.

²² Traffic management centers use remote video cameras at key points on high-traffic roadways, to observe highway traffic conditions in real-time. Traffic engineers at these centers compile traffic information gathered through several sources, including aggregated data feeds of the location and movement of wireless telephone users, closed circuit television cameras, remote sensing platforms, and sensors embedded in the roadways. This information is used to promote the free-flow of traffic, enable the timely dispatch of emergency services, and to provide the traveling public with accurate traffic information.

to as "origin-destination" information. Collection of this type of data has the potential to provide traffic engineers and planners with rich data feeds, necessary to promote optimal traffic flows, efficiently allocate transportation resources, and to properly reroute traffic in emergency situations. "Origin-destination" information is a necessary component to intelligent transportation and should not be subject to prior notice and consent restrictions.

VII. ITS America's Privacy Principles for Intelligent Transportation Systems

ITS America has been proactive in addressing the sensitive issue of location privacy. In July 10, 1996, ITS America drafted the "Interim Intelligent Transportation Systems (ITS) Fair Information and Privacy Principles" in recognition of the importance of protecting individual privacy in implementing Intelligent Transportation Systems. The ITS principles represent values and are designed to be flexible and durable to accommodate a broad scope of technological, social and cultural change. These principles were created to advise ITS America members, committees and board of directors, and are intended to educate and guide transportation professionals, policy makers, and the public as they develop fair information and privacy guidelines for specific ITS projects.

Fulfilling its public purpose as a 501(c)(3) organization, ITS America sought and considered the input of consumers, law enforcement, industry, government, and privacy advocates in the final version of its Privacy Principles. After four years of consideration and amendment, ITS America's Board of Directors approved these principles on January 11, 2001 as voluntary guidance for the intelligent transportation community. A copy of the final Privacy Principles are attached as Appendix A.

ITS America agrees in principle with the privacy framework established in CTIA's petition, (a self-regulatory regime based on the principles of notice, consent, integrity,

and technological neutrality). However, ITS America believes that its own privacy principles are better tailored to meet the needs of the intelligent transportation community.²³ The principles apply equally to all technologies capable of collecting location data. Moreover, they provide an "opt-out" regime for the use of anonymous, non-personally identifiable location data and an "opt-in" regime for the use of personally identifiable location data. This fine distinction, absent from CTIA's proposed privacy principles, is necessary to balance the public's interest in location privacy with the needs of traffic management centers use anonymous location data in monitoring traffic flows. Finally, the principles distinguish between location data collected and used for intelligent transportation purposes and that data used for secondary purposes. ITS America respectfully urges the Commission to consider ITS America's Privacy Principles during the course of any rulemaking proceeding respecting location information privacy.

VIII. Conclusion

Intelligent transportation systems utilize wireless location data to monitor traffic flows, reduce congestion, and to enable the provision of public services such as emergency response and traveler information. ITS America supports CTIA's petition for a separate proceeding to address the use of location data by wireless carriers. ITS America, in principle, supports the privacy framework described in CTIA's petition. However, ITS America strongly urges the Commission to provide an exception for the use of anonymous location data as well as aggregate location data. While recognizing

²³ See Attachment A.

the importance of location privacy. ITS America could only support a rulemaking that would not hinder the development and deployment of intelligent transportation systems.

Respectfully Submitted.

**The Intelligent Transportation Society of
America**

By:


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Staff Counsel

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CERTIFICATE OF SERVICE

I, Mark D. Johnson, hereby certify on this 24th day of April, 2001, I caused copies of the foregoing "Reply Comments of the Intelligent Transportation Systems of America" to be delivered to the following by either first-class mail, postage prepaid, or by hand (*):

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Mark D. Johnson

APPENDIX A



INTELLIGENT TRANSPORTATION SOCIETY OF AMERICA

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<http://www.itsa.org>

ITS America's Intelligent Transportation Systems Fair Information and Privacy Principles

These fair information and privacy principles were prepared in recognition of the importance of upholding individual privacy in implementing Intelligent Transportation Systems (ITS). The principles represent values and are designed to be flexible and durable to accommodate a broad scope of technological, social and cultural change. ITS America may, however, need to revisit them periodically to assure their applicability and effectiveness.

These principles are advisory, intended to educate and guide transportation professionals, policy makers, companies, organizations, and the public as they develop fair information and privacy guidelines for specific intelligent transportation projects. Initiators of ITS projects are urged to publish the fair information and privacy principles that they intend to follow. Parties to ITS are urged to include enforceable provisions for safeguarding privacy in their contracts and agreements.

1. INDIVIDUAL CENTERED. Intelligent Transportation Systems must recognize and respect the individual's interests in privacy and information use.

ITS Systems create value for both individuals and society as a whole. Central to the ITS vision is the creation of ITS Systems that will fulfill our national goals. The primacy focus of information use is to improve travelers' safety and security, reduce travel times, enhance individuals' ability to deal with highway disruptions and improve air quality. Travel information is collected from many sources, some from the infrastructure and some from vehicles, while other information may come from the transactions – such as electronic toll collection – that involve interaction between the infrastructure and vehicle. That information may have value in both ITS and non-ITS applications. The individual's interest in privacy must be respected. This requires disclosure and the opportunity for individuals to express choice if personal identification is collected.

2. VISIBLE. Intelligent Transportation Information Systems will be built in a manner "visible" to individuals.

ITS may create data on individuals. Individuals should have a means of discovering how the data flows operate. "Visible" means to disclose to the public the type of data collected, how it is collected, what its uses are, and how it will be distributed. The concept of visibility is one of central concern to the public, and, consequently, this principle requires assigning responsibility for disclosure.

3. COMPLY. Intelligent Transportation Systems will comply with applicable state and federal laws governing privacy and information use.

Privacy law is a patchwork of federal and state statutes, as well as federal and state judicial opinions. The

“right” to privacy as a matter of law in the context of transportation on public roads and other facilities is limited. Intelligent Transportation Systems should provide, at a minimum, privacy protections in conformity with the law of respective jurisdictions.

4. **SECURE. Intelligent Transportation Systems will be secure.**

ITS databases may contain information on where travelers go, the routes they use, and when they travel, and therefore must be secure. All ITS information systems will make use of data security technology and audit procedures appropriate to the sensitivity of the information. ITS systems should use technological and administrative safeguards to assure that access to personally identifiable information is restricted to duly authorized individuals.

5. **LAW ENFORCEMENT. Intelligent Transportation Systems have an appropriate role in enhancing travelers' safety and security interests, but absent consent, statutory authority, appropriate legal process, or emergency circumstances as defined by law, information identifying individuals will not be disclosed to law enforcement.**

ITS has the potential to make it possible for traffic management agencies to know where individuals travel, what routes they take, and travel duration. Therefore, ITS can increase the efficiency of traffic law enforcement by providing aggregate information necessary to target resources. States may legislate conditions under which ITS information will be made available to law enforcement agencies. Absent government authority, however, ITS systems should not be used as a surveillance means for enforcing traffic laws, nor used as a tool of criminal investigation. Although individuals are concerned about public safety, persons who voluntarily participate in ITS programs or purchase ITS products should be informed of how information they are providing is used.

6. **RELEVANT. Intelligent Transportation Systems will only collect personal information that is relevant for ITS purposes.**

ITS, respectful of the individual's interest in privacy, will only collect information that contain individual identifiers that are needed for the ITS service functions. Furthermore, ITS information systems will include protocols that call for the purging of individual identifier information that is no longer needed to meet ITS needs.

7. **ANONYMITY. Where practicable, individuals should have the ability to utilize Intelligent Transportation Systems on an anonymous basis.**

Certain ITS applications (commercial vehicle operations or "mayday") require personally identifiable information to function. Others (such as automated fee payment) may be designed to enable use by individuals without identifying themselves (through anonymous debit accounts) or with identifiers for convenience (credit cards). Unless provision of identifiers is required by the ITS application, users should be provided with the opportunity to choose anonymity.

8. **COMMERCIAL OR OTHER SECONDARY USE. Intelligent Transportation Systems information stripped of personal identifiers may be used for non-ITS applications.**

American consumers want information used to create economic choice and value, but also want their interest in privacy preserved. ITS information is predictive of goods and services that interest consumers, for example, the right location for stores, hospitals and other facilities. However, personally identifiable

information collected by ITS surveillance technologies is extremely sensitive. Therefore, the following practices should be followed:

- ITS information absent personal identifiers may be used for ITS and other purposes.
- Generally, data collectors should assure that ITS information provided to private organizations for secondary uses is stripped of personal identifiers.
- Individuals, however, may contract to allow use of personal identifiers for secondary use if full disclosure in the intended use is made and informed consent obtained.

9. **FOIA. Federal and State Freedom of Information Act (FOIA) obligations require disclosure of information from government maintained databases. Database arrangements should balance the individual's interest in privacy and the public's right to know.**

In determining whether to disclose ITS information, governments should, where possible, balance the individual's right to privacy against the preservation of the basic purpose of the Freedom of Information laws to open agency action to public scrutiny. ITS travelers should be presumed to have reasonable expectations of privacy for personal identifying information. Pursuant to the individual's interest in privacy, the public/private framework of organizations collecting data should be structured to resolve problems of access created by FOIA.

10. **OVERSIGHT. Jurisdictions and companies deploying and operating Intelligent Transportation Systems should have an oversight mechanism to ensure that such deployment and operation complies with their Fair Information and Privacy Principles.**

Governments and companies should implement proper procedures to ensure that they protect the individual user's right to privacy, at a minimum, to the extent outlined in these principles. This mechanism may include internal directives, the appointment of a privacy officer, and/or penalties for violations. Governments and companies should have the flexibility to tailor such a system to their respective needs or circumstances.



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These principles are advisory, intended to educate and guide transportation professionals, policy makers, companies, organizations, and the public as they develop fair information and privacy guidelines for specific intelligent transportation projects. Initiators of ITS projects are urged to publish the fair information and privacy principles that they intend to follow. Parties to ITS are urged to include enforceable provisions for safeguarding privacy in their contracts and agreements.

1. INDIVIDUAL CENTERED. Intelligent Transportation Systems must recognize and respect the individual's interests in privacy and information use.

ITS Systems create value for both individuals and society as a whole. Central to the ITS vision is the creation of ITS Systems that will fulfill our national goals. The primacy focus of information use is to improve travelers' safety and security, reduce travel times, enhance individuals' ability to deal with highway disruptions and improve air quality. Travel information is collected from many sources, some from the infrastructure and some from vehicles, while other information may come from the transactions -- such as electronic toll collection -- that involve interaction between the infrastructure and vehicle. That information may have value in both ITS and non-ITS applications. The individual's interest in privacy must be respected. This requires disclosure and the opportunity for individuals to express choice if personal identification is collected.

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ITS may create data on individuals. Individuals should have a means of discovering how the data flows operate. "Visible" means to disclose to the public the type of data collected, how it is collected, what its uses are, and how it will be distributed. The concept of visibility is one of central concern to the public, and, consequently, this principle requires assigning responsibility for disclosure.

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Privacy law is a patchwork of federal and state statutes, as well as federal and state judicial opinions. The

“right” to privacy as a matter of law in the context of transportation on public roads and other facilities is limited. Intelligent Transportation Systems should provide, at a minimum, privacy protections in conformity with the law of respective jurisdictions.

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ITS databases may contain information on where travelers go, the routes they use, and when they travel, and therefore must be secure. All ITS information systems will make use of data security technology and audit procedures appropriate to the sensitivity of the information. ITS systems should use technological and administrative safeguards to assure that access to personally identifiable information is restricted to duly authorized individuals.

5. LAW ENFORCEMENT. Intelligent Transportation Systems have an appropriate role in enhancing travelers' safety and security interests, but absent consent, statutory authority, appropriate legal process, or emergency circumstances as defined by law, information identifying individuals will not be disclosed to law enforcement.

ITS has the potential to make it possible for traffic management agencies to know where individuals travel, what routes they take, and travel duration. Therefore, ITS can increase the efficiency of traffic law enforcement by providing aggregate information necessary to target resources. States may legislate conditions under which ITS information will be made available to law enforcement agencies. Absent government authority, however, ITS systems should not be used as a surveillance means for enforcing traffic laws, nor used as a tool of criminal investigation. Although individuals are concerned about public safety, persons who voluntarily participate in ITS programs or purchase ITS products should be informed of how information they are providing is used.

6. RELEVANT. Intelligent Transportation Systems will only collect personal information that is relevant for ITS purposes.

ITS, respectful of the individual's interest in privacy, will only collect information that contain individual identifiers that are needed for the ITS service functions. Furthermore, ITS information systems will include protocols that call for the purging of individual identifier information that is no longer needed to meet ITS needs.

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Certain ITS applications (commercial vehicle operations or "mayday") require personally identifiable information to function. Others (such as automated fee payment) may be designed to enable use by individuals without identifying themselves (through anonymous debit accounts) or with identifiers for convenience (credit cards). Unless provision of identifiers is required by the ITS application, users should be provided with the opportunity to choose anonymity.

8. COMMERCIAL OR OTHER SECONDARY USE. Intelligent Transportation Systems information stripped of personal identifiers may be used for non-ITS applications.

American consumers want information used to create economic choice and value, but also want their interest in privacy preserved. ITS information is predictive of goods and services that interest consumers, for example, the right location for stores, hospitals and other facilities. However, personally identifiable

information collected by ITS surveillance technologies is extremely sensitive. Therefore, the following practices should be followed:

- ITS information absent personal identifiers may be used for ITS and other purposes.
- Generally, data collectors should assure that ITS information provided to private organizations for secondary uses is stripped of personal identifiers.
- Individuals, however, may contract to allow use of personal identifiers for secondary use if full disclosure in the intended use is made and informed consent obtained.

9. FOIA. Federal and State Freedom of Information Act (FOIA) obligations require disclosure of information from government maintained databases. Database arrangements should balance the individual's interest in privacy and the public's right to know.

In determining whether to disclose ITS information, governments should, where possible, balance the individual's right to privacy against the preservation of the basic purpose of the Freedom of Information laws to open agency action to public scrutiny. ITS travelers should be presumed to have reasonable expectations of privacy for personal identifying information. Pursuant to the individual's interest in privacy, the public/private framework of organizations collecting data should be structured to resolve problems of access created by FOIA.

10. OVERSIGHT. Jurisdictions and companies deploying and operating Intelligent Transportation Systems should have an oversight mechanism to ensure that such deployment and operation complies with their Fair Information and Privacy Principles.

Governments and companies should implement proper procedures to ensure that they protect the individual user's right to privacy, at a minimum, to the extent outlined in these principles. This mechanism may include internal directives, the appointment of a privacy officer, and/or penalties for violations. Governments and companies should have the flexibility to tailor such a system to their respective needs or circumstances.

Participating Members

As of May 2001



[MG]2, Inc.
1-800-TOW-TRUCK, Inc.
3M Intelligent Transportation Systems

ACUNIA
Ada County Highway District
ADDCO, Inc.
Adelphi Capital, LLC
Adesta Transportation, Inc.
Advanced Cruise - Assist Highway System Research Association
Advanced High Technology Research Institute, Ltd.
Advanced Traffic Control
ADVANTEC Consulting Engineers
Airbiquity, Inc.
AiriQ, Inc.
Alaska Department of Transportation
ALK Associates, Inc.
Alliance for Transportation Research
Alliant Engineering, Inc.
Alpine Electronics Research of America
ALTRA Technologies, Inc.
AARP
American Association of State Highway Transportation Officials (AASHTO)
American Automobile Association
American Electronic Sign
American Highway Users Alliance
American Meteorological Society
American Motorcyclist Association
American Public Transportation Association
American Traffic Safety Services Assoc
American Trucking Association
Ann Arbor Transportation Authority
ARINC, Inc.
Arizona Department of Transportation
Arkansas State Highway & Transportation Department
Armstrong Consulting
Artery Business Committee
AS Consulting Engineers
Associacao Brasileira de Concessionari de Rodovias - ABCR
Association of American Railroads

Association of Electronic Technology f or Automobile Traffic (JSK)
ATX Technologies, Inc.
Avalon Integrated Services Corp.
AXCESS Inc.

Battelle
Bayerische Motoren Werke (BMW AG)
Beacon Partners Inc.
Beaver County Transit Authority
Bechtel Corporation
Ben Franklin Transit
Bentley Transportation Systems
Bergmann Associates
Berlin Economic Development Corporation
BeVocal
Booz-Allen & Hamilton, Inc.
Boston Metropolitan Planning Organization
British Columbia Ministry of Transportation and Highways

CALTRANS New Technology and Research Program
Cambridge Systematics, Inc.
Cape Metropolitan Council
Carnegie Mellon University
Carr and Duff
Caseta Technologies
Castle Rock Consultants
Cellular Technical Services
Cellular Telecommunications & Internet Association - CTIA
Central Ohio Transit Authority (COTA)
Charles River Associates, Inc.
Chase Manhattan Bank
Chicago Department of Aviation
Chicago Department Of Transportation
Chicago Regional Transportation Authority

Cinergy Innovations, Inc.
City & County of Denver
City and County of San Francisco
City of Anaheim
City of Atlanta
City of Bellingham, Washington
City of Charleston, SC
City of Colorado Springs
City of Columbus
City of Compton, CA
City of Concord, CA
City of Dallas
City of Grand Prairie, TX
City of Houston
City of Johnson City, TN
City of Laredo, TX
City of Los Angeles DOT
City of Norfolk DOT
City of Orlando
City of Overland Park, KS
City of Philadelphia
City of Phoenix
City of Phoenix Public Transit
City of Richardson, TX
City of San Antonio
City of San Jose
City of Santa Ana Public Works Agency
City of Tempe, AZ
City of Toledo DOT
City of Toronto
City of Tucson
City of Tuscaloosa, AL
Clarion Corporation of America
Clever Devices, Ltd.
Collision Avoidance Systems
Colorado Department of Transportation
Comarco Wireless Technologies
ComCARE Alliance
Comdata Corporation
Commercial Vehicle Safety Alliance
Community Transit (Everett, WA)
Computer Aided Animation GmbH
Computer Recognition Systems
Computer Sciences Corporation
Computran Systems Corp.
ComRoad, Inc.
ComView Visual Solutions
Connecticut Dept. of Transportation
Connings Electronics Engineering Co.
Consumer Electronics Association
Contract Freighters, Inc.

Control Technologies, Central Florida
CORE TEC Communications, LLC
CORNET Technology, Inc.
Council For Scientific and Industrial
Council of University Transportation
Centers
Critical Link, LLC
CriticalPoint Software
CSC/Fibertron Corp.
CTTRANSIT
Cumberland County

Dallas Area Rapid Transit
Dames & Moore Group
DaimlerChrysler Corporation
David Evans & Associates, Inc.
Delaware Department Of Transportation
Delaware Valley Regional
Planning Commisiion
Delcan Corporation
Delphi Automotive Systems
Denso International America, Inc.
(Denver) Regional Transportation
District
Detection Systems & Engineering Co.
DGD Enterprises, Inc.
DKS Associates
Douglas County, CO DPW
Driscoll-Wolfe Marketing & Research
Dynamic Research, Inc.
Dynamic Technology Systems, Inc.

Eaton Corporation
ECM Inc.
Econolite Control Products, Inc.
EDWARDS & KELCEY, INC.
EFKON
EIS Electronic Integrated Systems, Inc
Electronic Security Systems Equipment
International Corporation
Emerging Technology Markets
Emeth Trading Co.
Enerdyne Technologies Inc.
Enterprise, Inc.
Environmental Systems Research
Institute (ESRI)
ERIM
E-Squared Engineering
EverTrac

E-VIEWS Safety Systems, Inc.
Exor Corporation
Eyecast

Fastdial
Fayetteville Metropolitan Planning Org.
Federal Express Corporation
Federal Highway Administration
Federal Motor Carrier Office of
Research & Technology
Federal Railroad Administration
Federal Transit Administration
Fiber Options
Florida Department of Transportation
Ford Motor Company
Fortran Traffic Systems, Ltd.
Frank Wilson & Associates, Inc.
Frederic R. Harris, Inc.

General Motors Corporation
Geographic Data Technology
George Mason University
Georgetown University
Georgia Department of Transportation
Georgia Institute of Technology
GIS/Trans Ltd.
Global Standards Management Associates
Go Transportation
Golden Screens Interactive Technologies
Greater Cleveland RTA
Greater Hartford Transit District

HELP Inc.
Hennepin County, MN
Highway Industry Development
Organization (HIDO)
Hitachi, Ltd.
HITEC & Civil Engineering Research
Foundation (CERF)
Hi-Tech Electronic Displays
HNTB Corporation
Honda R&D America, Inc.
Honeywell International, Inc.
Houston TranStar
Howard/Stein-Hudson Associates, Inc.

Hubbell, Roth & Clark
Hudson Institute, Inc.

IBI Group
Ibiquity Digital
ICC Corporation
IDB Forum
Illinois Department of Transportation
Image Sensing Systems, Inc.
Impath Networks Inc.
Indiana Department of Transportation
Inductive Signature Technologies, Inc.
InfoGation
Infomove.com
Infrastructure Management Group, Inc.
Innovative Transportation Concepts
Institute Microelectronics, Stuttgart
Institute of Electrical and Electronic
Engineers, Inc. (IEEE)
Institute of Transportation Engineers (ITE)
Integrated Technology Solutions, Inc.
Intel Corporation
Intelect Network Technologies
Intelligent Technology International
International Access Corporation
International Bridge, Tunnel & Turnpike
Association (IBTTA)
International Brotherhood of
Electrical Workers (IBEW)
International Fiber Systems, Inc.
International Municipal Signal
Association
International Road Dynamics, Inc.
International Road Federation
International Wireless Packaging
Consortium
Interstate Data, Inc.
Intrass
Iowa Department of Transportation
Iowa State University
ISATA
Iteris, Inc.
ITS-United Kingdom
ITT Industries, Systems Division

Jaffe Engineering
Japan Automobile Standards International
Council

Japan Traffic Management Technical
Association
Jet Propulsion Laboratory
JETRO New York
JMB and Associates
Johns Hopkins University
Jose Miguel Ortega Consultor Privado
Kansas City Area Transportation Auth.
Kansas Department of Transportation
Kentucky Department of Transportation
Kimley-Horn and Associates, Inc.
King County, WA DOT
KISS Communications
KLD Associates, Inc.
Kotera Consultants, Inc.

Landstar System, Inc.
Lanelock Technologies
Lasercraft, Inc.
Lee County (FL) Dept. of Transportation
Livermore/Amador Valley Transit Auth.
Lockheed Martin
Los Angeles County DPW
Los Angeles County MTA
Louisiana Department of Transportation
and Development
LS Associates
Lucent Technologies, Inc.
Lynx, Central Florida Transit Auth.

Macro Corporation
Maher Terminals, Inc.
Main Course Technologies, Inc.
Maine Department of Transportation
MaineWay Services
Management Recruiters
Manitto Technologies, Inc.
Maricopa Association of Governments
Maricopa County (AZ) DOT
Mark IV Industries, Ltd.
Maryland Department of Transportation
Massachusetts Highway Department
Massachusetts Institute of Technology
Massachusetts Turnpike Authority
MasTec ITS, Inc.
Matrix Management Group

Matsushita Communication Industry
Co., Ltd. (Panasonic)
Mazda R&D North America
Meridian Environmental Technology
METROPLAN ORLANDO
Metropolitan Atlanta Rapid Transit
Authority (MARTA)
Metropolitan Council Metro Mobility
(St Paul, MN)
Metropolitan Transit Authority of Harris
County (Houston METRO)
Metropolitan Transportation Authority
(New York City)
Metropolitan Transportation Comm.
(San Francisco Bay Area)
Metropolitan Washington Airports
Authority
Metropolitan Washington Council of
Governments
Mettler-Toledo, Inc.
Miami Valley Regional Planning
Commission
Miami Dade Expressway Authority
Michael J. Baker Corporation
Michigan Department of Transportation
Microsoft Corporation
Milgo Solutions
Mil-Lektron
Miller & VanEaton, P.L.L.C.
Minneapolis Public Works Department
Minnesota Department of Transportation
Mississippi Department of
Transportation
Missouri Department of Transportation
Mitretek Systems
Mitsubishi Electric Automotive America
Mitsubishi Electric Corporation
Automotive Electronics Development
Mitsubishi Motors R & D of America
Mobile Installation Technologies
Montana Department of Transportation
Montana State University – Bozeman
Western Transportatin Institute
Montgomery County DOT
Morgan State University
Motion Maps, LLC
Motorcycle Riders Foundation
Motorola Telematics Information
Systems
MPH Industries
MPO For The Miami Urbanized Area

Multidyne Electronics, Inc.
Multisystems, Inc.

National Engineering Technology Corp.
National Highway Traffic Safety
Administration (NHTSA)
National Private Truck Council
National Sign and Signal Co.
National Weather Service
NATSO, Inc.
Navigation Technologies
Nebraska Department Of Roads
NEC Corporation
Nestor Traffic Systems, Inc.
Netherlands Ministry of Transport
New Hampshire Dept. of Transportation
New Jersey Dept. of Transportation
New Jersey Highway Authority
New Jersey Institute of Technology
New Mexico State Highway and
Transportation Department
New York City DOT
New York City Transit Authority
New York State Bridge Authority
New York State Department of
Transportation
New York State Thruway Authority
Newmark Research
Nextbus Information Systems, Inc.
Nippon Telegraph and Telephone
Corporation (NTT)
Nissan Motor Company, Ltd.
Nortel Networks
North American Controls Corporation
North Carolina A & T University
North Carolina Department of
Transportation (DOT)
North Central Texas Council of
Governments
North Dakota State University
North Texas Tollway Authority
NORTRACO, S.A.
Nossaman, Guthner, Knox & Elliott
Novatel Wireless, Inc.
NTT Mobile Communications Network

Ohio Department of Transportation
Ohio Turnpike Commission
Oklahoma Department of Transportation
Omron Corporation
Ontario Ministry of Transportation
Open GIS Consortium, Inc.
Operation Lifesaver, Inc.
Orbital Sciences Corporation
Oregon Department of Transportation
Orincon Corporation
Orlando-Orange County Expressway
Authority
Orth-Rodgers & Associates, Inc.
Oyster Software Solutions

PACE Suburban Bus Service
PADECO Co., Ltd.
PanTech, Inc.
Parsons Transportation Associates
Parsons Transportation Group, Inc.
PB Farradyne
PBS&J
Peek Traffic Systems, Inc.
Pennsylvania Department of
Transportation
Pennsylvania State University
Pennsylvania Turnpike Commission
Phoenix Transit System
Pierce Transit
Pioneer Electronics (USA) Inc.
PM Technology
Polytechnic University; Brooklyn, NY
Port Authority of NY & NJ
Port of Houston Authority
Portland (ME)Area Comprehensive
Transportation Committee (PACTS)
Portland State University
Potomac & Rappahannock Transportation
Commission
PPG Industries, Inc.
Progressive Insurance Company
Projected Reality Corporation
PRR (Pacific Rim Resources)
Public Technology, Inc.
PULNiX
Pulse Medical Instruments
Purdue University, Civil Engineering

Queensland Department Of Main Roads
Quixote Corporation

Receptec
Response Services Center, LLC
RFL Electronics Inc.
Rhode Island Department of
Transportation
Richard Bishop Consulting
Richard Hirschmann of America, Inc.
Riverside County, CA Transportation
Commission
Road Commission, Oakland County- MI
Road Safety International, Inc.
RoadRider Solutions Group, Inc.
Robotic Technology, Inc.
RTS Wireless
Rutgers University

Safety Warning Systems
SAIC
Sakura Enterprise Corporation
Santa Clara Valley Transportation Auth
Saudi Consulting Services
Saudi Arabia, Ministry of Transport
SCC Communications Corp.
Schneider National Inc.
Schwartz Electro-Optics, Inc.
Scientech, Inc.
Scientific American Newsletters
Sense Technologies, Inc.
Sensor Technologies & Systems, Inc.
Sharon Greene and Associates
Short Elliott Hendrickson, Inc.
Siemens Automotive Corp.
SiGEM, Inc.
SiRF Technology
SIRIT Technologies Inc.
Skyline Products, Inc.
SmarTek Systems, Inc.
SmartRoute Systems
Society of Automotive Engineers (SAE)
Sound Transit
South Carolina Department of
Transportation

Southeast Michigan Council of
Governments (SEMCOG)
Southern California Economic Partnersh
Southwest Research Institute
Specialty Electronic Systems, Inc.
Squire, Sanders & Dempsey L.L.P.
SRF Consulting Group, Inc.
ST Microelectronics, Inc.
StarComm Products, Inc.
Street Smarts
Sumitomo Electric U.S.A., Inc.
Summit County, OH
Sunnyvale GDI
Surface Systems, Inc. (SSI)
Suwa Technology Corporation
System Excelerator, Inc.
System Innovations, Inc.
Systemware

Taiwan Ministry of Transport
Taxicab, Limousine & Paratransit
Association
Tecnicon International, Inc.
TEKIA Consultores
Telcontar
TELE ATLAS BV
Tennessee Department of Transportation
Texas Department of Transportation
Texas Southern University
Texas Transportation Institute
The DeLay Group, P.C.
ThomTech Design Company
Thorton Williams & Associates
Toshiba Corporation
Touch Technology International, Inc.
Toyota Motor Corporation
Traffic.com
TrafficStation, Inc.
TrafficWerks, Inc.
Traffipax, Inc.
Traficon NV
TRANSCOM
TransCore
Transdyn Controls, Inc.
Transformation Systems, Inc.
TranSmart Technologies
Transport Canada
Transportation Research Board (TRB)
TranSystems Corp.

Trevilon Corp.
Trianco Inc.
Triborough Bridge and Tunnel Authority
Tri-County Metropolitan Transportation
District of Oregon (Tri-Met)
TRW, Inc.
U.S. Chamber of Commerce
U.S. Xpress Enterprises, Inc.
United Motor Coach Association (UMA)
United Toll Systems Inc.
Universal Traffic Management Society
(UTMS) of Japan
University of Alabama University
University of California, Davis
University of California, Berkeley
California PATH Program
University of Central Florida
University of Florida
University of Illinois, Chicago Urbana
University Of Kansas
University of Kentucky
University of Maryland
University of Massachusetts
University of Michigan
University of Minnesota
University of Missouri - Columbia
University of Nebraska-Lincoln
University of North Carolina
University of North Dakota
University of South Florida
University of Texas at Austin
University of Virginia
University of Washington
URS Corporation
US Wireless Corporation
Utah Department of Transportation
Utah Transit Authority

Verizon Wireless
Vermont Agency of Transportation
VERTIS
VIA Metropolitan Transit, San Antonio
Videolarm Inc.
Virginia Department of Rail and Public
Transportation
Virginia Department of Transportation
Virginia Tech, Transportation Institute
Virtual Prototypes Inc.
Visteon Corporation
Volvo Global Truck

Washington Metropolitan Area Transit
Authority - WMATA
Washington State Department Of
Transportation
Wavetronix, LLC
Weather Solutions Group
Weiland Consulting Co.
Werner Enterprises, Inc.
Whitco Sign and Manufacturing Corp.
Wilbur Smith Associates
Winston-Salem Transit Authority
Wisconsin Department Of
Transportation
Woolpert
Wyoming Department of Transportation

XM Satellite Radio Inc.

Yazaki North America
Ygomi, LLC

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