



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, JOHN F. KENNEDY SPACE CENTER PETITION FOR WAIVER OF 47 C.F.R. § 64.1601(b) REGARDING THE TRANSMISSION OF CALLING PARTY NUMBER

CC Docket No. 91-281

Comment Date: 15 days from publication in the Federal Register

Reply Comment Date: 25 days from publication in the Federal Register

On October 25, 2006, the National Aeronautics and Space Administration, John F. Kennedy Space Center (KSC) filed a petition for a limited waiver¹ of section 64.1601(b) of the Commission's rules, which prohibits terminating carriers from passing calling party number (CPN) to the called party where a privacy indicator has been triggered.² KSC asserts that the security and emergency response duties of its security offices have been severely hampered by carriers' refusal to provide CPN, and requests that the Commission allow KSC to receive CPN, even where the calling party has activated a privacy indicator.

KSC, a spaceport in Florida where most of the United States' space launches occur, employs a staff of 17,000 civil service employees and contractors in a facility that spans 219 square miles.³ According to KSC, the facility provides its own security, fire and rescue, telecommunications and other utility services 24 hours per day. Over the course of a year, KSC reports receiving between 12 and 20 threatening or harassing phone calls that are considered serious in nature.⁴ KSC states that the telecommunications carriers serving KSC are bound by the CPN privacy rules, and parties placing threatening calls often use CPN restriction to prevent authorities from identifying their location. As a result, KSC security personnel must request a trace of threatening calls in order to locate the perpetrator, a process which can take up to a week to identify the source of the threatening call.⁵ KSC emphasizes that

¹ See Petition for Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b) Re: Calling Party Numbers, filed by National Aeronautics and Space Administration, October 25, 2006 (*Waiver Request*).

² 47 CFR § 64.1601(b). Section 64.1601(b) states in pertinent part that "[n]o common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call.... [W]hen a caller requests that the CPN not be passed, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name to allow the called party to contact the calling party."

³ *Waiver Request* at 2.

⁴ *Id.* at 3.

⁵ *Id.*

security personnel need to be able to identify and apprehend perpetrators of these threats in a timely manner and prevent them from acting on their threats.⁶

KSC argues that the waiver would serve the public interest because it would protect the welfare of its employees by allowing security and law enforcement personnel to provide rapid response to threatening calls.⁷ According to KSC, its telecommunications assets include a Central Office Switch facility with a SecureLogix call information data log capable of recording all originating and terminating numbers. However, since terminating carriers are precluded from transmitting CPN information, SecureLogix's capacity to obtain and store CPN information goes unused by KSC security personnel.⁸

KSC proposes to limit the scope of its waiver by allowing the SecureLogix to record the CPN of incoming restricted calls but not pass CPN on to the party called.⁹ KSC states that it will further limit access to restricted CPN information by:

- operating the SecureLogix in a secure facility, using passwords to protect the data and limiting access to the information to designated telecommunications and security personnel who have signed non-disclosure agreements;
- allowing telecommunications and security personnel to access restricted CPN data only when investigating harassing or threatening phone calls and requiring them to document the access as part of the investigative report;
- allowing transmission of restricted CPN information from KSC to other law enforcement agencies only through secure communications; and
- destroying CPN information after a reasonable retention period.¹⁰

KSC argues that its situation presents special circumstances that warrant a limited waiver of the rules. First, KSC represents that it provides both the security service and end office telecommunications to all locations within KSC's geographical boundaries.¹¹ Also, KSC argues that its security service would be impaired by any delay in obtaining CPN.¹²

KSC contends that the waiver would be applicable only to a narrow and well-defined public institution making it predictable, workable and not subject to discriminatory application.¹³ Finally, KSC argues that the waiver would not undermine the policy objective behind the rule.¹⁴

⁶ *Id.* at 2-4.

⁷ *Id.* at 8.

⁸ KSC draws parallels between its unique situation and that of INSIGHT 100 — a non-profit corporation consisting of educational institutions, hospitals, businesses and organizations — which sought and was granted a waiver of the Caller ID rules in 2002. *See In the Matter of INSIGHT 100 Petition for Waiver of § 64.1601(b) Regarding the Transmission of Calling Party Number*, CC Docket No. 91-281, Memorandum Opinion and Order, para. 9 (2002).

⁹ *Waiver Request* at 8.

¹⁰ *Id.*

¹¹ *Id.* at 7-8.

¹² *Waiver Request* at 7, 9.

¹³ *Waiver Request* at 9.

¹⁴ *Id.* at 6.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on KSC's *Waiver Request* on or before the dates indicated on the first page of this document. When filing comments, please reference CC Docket No. 91-281. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number (CC Docket No. 91-281). Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204, Washington, DC 20554.

Unless otherwise provided, requests for waiver of the Commission's rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the potential impact of this proceeding on persons not parties to the *Waiver Request*, this proceeding shall be treated as a permit-but-disclose proceeding under the *ex parte* rules, which are codified at 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, *ex parte* presentations will be allowed but must be disclosed in accordance with the requirements of section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554, (202) 418-0270.

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FOR FURTHER INFORMATION CONTACT: Lynne Montgomery, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-2229 (voice), Lynne.Montgomery@fcc.gov.

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