



# PUBLIC NOTICE

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**CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON LIBERTY  
PUBLIC SCHOOL DISTRICT 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 after publication in the Federal Register**  
**Reply Comment Date: 25 days after publication in the Federal Register**

On April 22, 2007, the Liberty Public School District (LPS) filed a petition for a limited waiver<sup>1</sup> 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.<sup>2</sup> LPS 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 LPS to receive CPN, even where the calling party has activated a privacy indicator.

LPS is a public school district serving Liberty, Missouri, a city of approximately 30,000 that is part of Kansas City, Missouri, and parts of unincorporated Clay County, Missouri. LPS employs a staff of 1300 that provides education and services for 9300 students, with facilities and operations spanning a land area of approximately 30 square miles.<sup>3</sup> According to LPS, the school district provides some of its own security and telecommunications services. Over the course of a year, LPS reports receiving between 6 and 10 threatening or harassing phone calls that are considered serious in nature.<sup>4</sup> LPS states that the telecommunications carriers serving LPS are bound by the CPN privacy rules, and parties placing threatening or harassing calls often use the CPN privacy indicator to prevent authorities from identifying them or their location. As a result, LPS security personnel must request a trace of threatening or harassing calls to attempt to identify and locate the caller, a process that can take up to a week.<sup>5</sup> LPS emphasizes that security personnel need to be able to identify and locate callers in a timelier manner to

<sup>1</sup> See Petition of Liberty Public School District for Waiver of Federal Communications Commission Regulations at 47 C.F.R. § 64.1601(b) Re: Calling Party Numbers, filed April 22, 2007 (*Waiver Request*).

<sup>2</sup> 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."

<sup>3</sup> *Waiver Request* at 5.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

have a chance of apprehending them or preventing them from acting on their threats.<sup>6</sup> According to LPS, its telecommunications assets include a Central Office Switch facility with a call information data log capable of recording all originating and terminating numbers.<sup>7</sup> Currently, telecommunications carriers will not transmit restricted CPNs to LPS, and security and other personnel are therefore prevented from identifying and locating harassing or threatening callers in a timely manner.<sup>8</sup>

LPS states that it will limit access to restricted CPN information by:

- operating the switch in a secure facility;
- allowing telecommunications and security personnel to access restricted CPN data only when investigating threatening or harassing calls and documenting the access as part of the investigative report;
- allowing transmission of restricted CPN information from LPS to other law enforcement agencies only through secure communications; and
- destroying CPN data after a reasonable retention period.<sup>9</sup>

LPS argues that the waiver would serve the public interest because it would allow LPS to better protect its staff and students by providing rapid responses to threatening or harassing calls.<sup>10</sup> LPS further argues that its situation presents special circumstances that warrant a limited waiver of the rules. First, LPS provides both the security service and end office telecommunications to all locations within its geographical boundaries.<sup>11</sup> Also, the waiver would be applicable only to a narrow and well-defined public institution making it predictable, workable and not subject to discriminatory application.<sup>12</sup>

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 and reply comments on LPS'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: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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<sup>6</sup> *Id.* at 6.

<sup>7</sup> *Id.* at 5.

<sup>8</sup> *Id.* at 6, 9.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Id.* at 10.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 9. LPS draws parallels between its 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 INSIGHT 100 Petition for Waiver of § 64.1601(b) Regarding the Transmission of Calling Party Number*, Memorandum Opinion and Order, CC Docket No. 91-281, 17 FCC Rcd. 223, 225 (2002). *Id.* at 8-9.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
  - In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 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 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, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, 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 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, DC 20554, (202) 418-0270. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at [www.fcc.gov/cgb](http://www.fcc.gov/cgb).

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**FOR FURTHER INFORMATION CONTACT:** Julie Saulnier, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-1598 (voice) or [julie.saulnier@fcc.gov](mailto:julie.saulnier@fcc.gov).

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