

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hr_AC-EdR_RCP_pt01a
- 97hr_AC-EdR_RCP_pt01b
- 97hr_AC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-072
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
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- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
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98-072 PSC 165-TELECOM.
PROVIDERS - PUBLIC RELIANCE

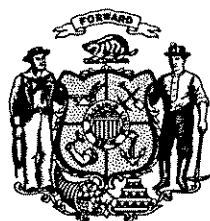
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-072

AN ORDER to renumber PSC 165.02 (2) to (23); and to create PSC 165.02 (2), (5), (6), (9), (10), (11), (17), (25), (26), (28), (29), (30), (33), (34), (35), (38) and (39) and 165.20 to 165.30, relating to privacy guidelines applicable to telecommunications providers.

Submitted by **PUBLIC SERVICE COMMISSION**

05-14-98 RECEIVED BY LEGISLATIVE COUNCIL.
06-12-98 REPORT SENT TO AGENCY.

RNS:JES:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

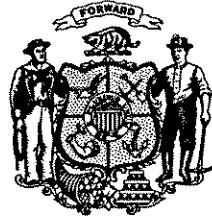
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-072

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In several SECTIONS of the rule, "PSC" and the rule section number need to be inserted at the beginning of the text. For example, in SECTION 2, "PSC 165.02" should be inserted before "(2)." In SECTION 3, "PSC 165.02" should be inserted before "(5)."

b. The terms defined in s. PSC 165.02 (25) and (26), should be reversed so that they are in alphabetical order.

c. The text on the outflow of information in s. PSC 165.02 (30) (a) is essentially a definition of "outflow of information about users of telecommunications services." As such, this phrase should be defined in a separate subsection in s. PSC 165.02. Paragraph (b) could then be consolidated with sub. (30) (intro.).

d. Rules should avoid the use of vague words and phrases, such as "thereof" and "herein" or "such" in place of an article. [See s. 1.01 (9) (c), Manual.] This drafting style was not followed in ss. PSC 165.02 (2) and (33) (a) and 165.22 (1) (intro.).

e. The phrase "of this chapter" in s. PSC 165.20 is redundant and should be deleted from the text of the rule. In this section, "ss. PSC 165.20 to 165.30" should replace "ss. 165.20 through 165.30 of this chapter."

f. The preferred drafting style is to precede a list with an introductory provision that ends with a colon. This style was not followed in the list in s. PSC 165.22 (1). To use the

preferred drafting style in this subsection, the first sentence in s. PSC 165.22 (1) (intro.) should end with a colon after “delivery,” and the second sentence in this introduction should be moved to a separate subsection.

g. A mandatory duty should be denoted in a rule through the use of “shall”; an optional provision or discretionary authority should be noted through the use of “may.” A prohibition should be stated as “no person may . . .” or “a person may not” In addition, “should,” “will,” “must” or “it is the responsibility of” should not be used to express a mandatory or permissive action. [See s. 1.01 (2), Manual.] This drafting style was not followed in ss. PSC 165.22 (1) (intro.) and (4) and 165.27 (1) (intro.).

h. Once a term is defined in a rule, the term should be used consistently throughout the rule. Section PSC 165.22 (5) (a) uses the term “caller identification service” rather than the defined term “telephone caller identification service.”

4. Adequacy of References to Related Statutes, Rules and Forms

a. The analysis accompanying the rule cites s. 196.209, Stats., as authorizing rule-making. The reference to s. 196.209, Stats., is unduly broad as that section contains other provisions in addition to the duty to adopt rules; sub. (1) in s. 196.209 should be cited.

b. The references to statutory definitions in s. PSC 165.02 (5), (6), (34) and (35) should be to a specific subsection in s. 196.01, Stats. For example, the definition of “basic local exchange service” in s. PSC 165.02 (5) should reference the statutory definition in s. 196.01 (1g), Stats.

c. In s. PSC 165.22 (2) (a) 2., “ss. 196.207 (2) (e) 2. and 3., Stats.” should replace “ss. 196.207 (2) (e) 2 and 196.207 (2) (e) 3.”

d. In s. PSC 165.22 (3) (b) and (c), should the reference to “sub. (1)” be changed to refer instead to “par. (a)”?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The article preceding “calling party’s billing number” in s. PSC 165.02 (2) should be “a” rather than “the.”

b. It is not clear whether the lists in the definitions of “customer proprietary network information” in s. PSC 165.02 (17) and in “subscriber list information” in s. PSC 165.02 (33) are meant to identify alternative definitions or components of a single definition of these terms. If, for example, the commission intends these to be alternative definitions, then the commission should insert “any of the following” after “means” in the introductory portions of these definitions to clarify the construction of these definitions. Throughout the rule, “any of the following” or “all of the following” needs to be inserted in introductory material. [See s. 1.03 (8), Manual.]

c. Since an area of the state may have more than one telephone directory, the commission should review the definitions of “non-published number” and “non-listed number”

in s. PSC 165.02 (25) and (26) to determine if the reference to “the telephone directory” should be qualified to remove any ambiguity over the meaning of these terms.

d. The definition of “privacy consideration” in s. PSC 165.02 (30) (intro.) is not clear. The commission should review this definition and redraft it as appropriate. For example, drafting the predicate clauses in parallel construction should improve the clarity of the definition.

e. If the commission intends the reference to “statute or the constitution” in s. PSC 165.02 (30) (b) to include federal and state statutes and the U.S. and Wisconsin Constitutions, then the commission should revise this paragraph to explicitly include these references. Similarly, the commission may wish to consider referencing in this paragraph the federal wiretap law after it cites the Wisconsin wiretap law in ss. 968.28 to 968.37, Stats.

f. To assist readers of the rule, the commission should consider identifying which telecommunications services are not subject to the requirements of s. 196.207, Stats., in a note following s. PSC 165.02 (38).

g. Section PSC 165.22 (1) (intro.) refers to “calling name delivery” and “calling number delivery” whereas s. PSC 165.22 (2) (a) (intro.) and (3) (a) use the more general term “telephone caller identification service.” The commission should review its use of “calling name delivery” and “calling number delivery” in s. PSC 165.22 (1) (intro.) to determine whether these more specific terms are appropriate in that provision.

h. The commission should review the following undefined terms and determine whether a definition is necessary to ensure a consistent application of the rule:

(1) “Competitive local exchange carrier” in s. PSC 165.22 (4).

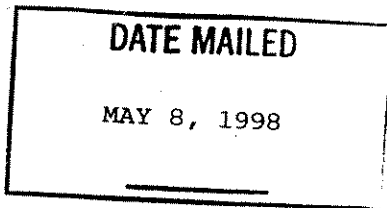
(2) “Blocked call blocking functionality” in s. PSC 165.22 (5) (b) 5.

i. Section PSC 165.30 (2) specifies who the commission shall appoint as members of the telecommunications privacy council. This list of members includes the Attorney General or his or her designee, the Secretary of the Department of Administration or his or her designee and the Cochairpersons of the Joint Committee on Information Policy or their designees. While the commission may bind itself in this rule to request these individuals to serve as members of the telecommunications privacy council, the commission may not require these individuals to accept these appointments. Section 196.209 (5), Stats., does not obligate any of these persons to serve as members of the council. The commission should revise s. PSC 165.30 (2) to reflect its preferences for membership of the council, consistent with this constraint on its appointing powers.

j. If the commission intends for the telecommunications privacy council to advise the commission on the administration of s. 196.207, Stats., then the rule would be clearer if the duties of the council specified in s. PSC 165.30 (6) included a reference to this duty.

k. In s. PSC 165.27 (4) (j), should the two occurrences of “and” be replaced by “or”?

1. In s. PSC 165.29 (5), "the chairperson" should replace "these positions" since only one position is being discussed.



BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Revision of Administrative Rules to Establish Privacy
Guidelines Applicable to Telecommunications Utilities

1-AC-138

**SUPPLEMENTAL NOTICE OF HEARING AND PROPOSED
ORDER OF THE PUBLIC SERVICE COMMISSION
OF WISCONSIN ADOPTING RULES**

<p>Public Hearing: 1:30 p.m., June 26, 1998 Public Service Commission 610 North Whitney Way Madison, Wisconsin</p> <p>Written Comments, (if desired): July 3, 1998 – Noon</p> <p>FAX Due Date: July 2, 1998 – Noon</p>	<p>Address Comments To: Lynda L. Dorr Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854</p> <p>Fax No. (608) 266-3957</p>
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The Public Service Commission of Wisconsin proposes to amend PSC 165, Wis. Admin. Code, to establish privacy guidelines applicable to telecommunications providers.

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

On April 28, 1992, the state of Wisconsin enacted 1991 Wisconsin Act 268. That law created § 196.207, Stats., establishing minimum requirements that a telecommunications utility must meet in order to offer a telephone caller identification service. On July 5, 1994, the state of Wisconsin enacted 1993 Wisconsin Act 496. That law amended § 196.207, Stats., and created § 196.209, Stats., to further specify and regulate the privacy considerations applicable to telecommunications services:

196.209 PRIVACY CONSIDERATIONS. (1) RULES. The commission shall promulgate rules that establish privacy guidelines applicable to telecommunications services.

Notwithstanding any exemptions identified in this chapter, a telecommunications provider is subject to rules promulgated under this subsection and s. 196.66 applies to a violation of this subsection.

(2) **RULE REVIEW.** At least biennially, the commission shall review and revise as appropriate rules promulgated under sub. (1).

(3) **NEW SERVICES.** A telecommunications provider introducing a new telecommunications service shall explicitly address privacy considerations before introducing that telecommunications service.

(4) **SCOPE.** Rules promulgated by the commission under this section and privacy considerations addressed by a telecommunications provider shall include all of the following:

(a) Protection against the outflow of information about users of telecommunications services.

(b) Protection to the users of telecommunications services from receiving privacy intrusions.

PLAIN LANGUAGE ANALYSIS

Statutory Authority: §§ 196.02^{No Re. 100}(1) and (3), 196.209⁽¹⁾, 196.219(3)(h), 227.11(2), Stats.

Statutes Interpreted: §§ 196.19(1m), 196.196(3), 196.207, 196.209, 196.499, Stats.

The rule proposed herein establishes a set of procedures to govern the practices of telecommunications providers that affect the privacy of users of telecommunications services. The rule addresses eight related topics:

New services. The rule creates a process to identify and review privacy considerations that may exist as a telecommunications utility or telecommunications carrier introduces a new telecommunications service.

Caller identification. The rule codifies existing tariff provisions regulating caller identification services. The rule requires incumbent local exchange carriers to provide both per-call and per-line blocking features, at no charge and with no restrictions upon resale or use, to all interconnected competitive local exchange carriers.

Non-listed and non-published number services. The rule codifies an existing policy followed by most telecommunications providers regarding these services.

Local call detail. The rule requires a telecommunications provider offering basic local exchange service on a measured or per-call basis to provide a summary of the local call detail as part of the monthly telephone bill on an optional basis.

Call trace. The rule codifies an existing feature of local telephone service provided by most telecommunications providers.

List rental. The rule codifies existing tariff requirements that apply to some list rental agreements.

Customer records. The rule codifies existing policies regarding access to customer-specific information maintained by telecommunications providers.

B6 How Compare
Customer proprietary network information. The rule adopts federal policies regarding access to customer proprietary network information maintained by telecommunications providers.

The rule also creates a waiver process to permit the Commission to modify this rule based upon an analysis of the costs and benefits of a provision of the rule as it applies to a specific telecommunications provider.

Finally, the rule adopts on a permanent basis the basic framework for the Telecommunications Privacy Council, pursuant to § 196.209(5), Stats.

The Commission initially proposed to adopt a rule on the subject of telecommunications privacy on May 18, 1995. See Wis. Admin. Reg., No. 474, at p. 5, and Comments of the Wis. Leg. Council Staff, Clearinghouse Rule 95-093. Public hearings were held on June 1, 1994, and June 30, 1995. Consideration of the proposed rule was postponed due to recent federal legislation revising the regulation of telecommunications services. The scope of the rule proposed herein is broader and now includes both incumbent and competitive local exchange carriers. The proposed rule is consistent with the privacy provisions of the Telecommunications Act of 1996, and the federal administrative rule implementing that section of the Act.

Consistent with comparability

etc

TEXT OF PROPOSED RULE

The text of the proposed rules is set forth as Attachment A hereto.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules may have an effect on small telecommunications utilities, which are small businesses under § 196.216, Stats., for the purposes of § 227.114, Stats. The agency has considered the methods in § 227.114(2), Stats., for reducing the impact of the rules on small telecommunications utilities and finds that incorporating any of these methods into the proposed rule would be contrary to the statutory objectives which are the basis for the proposed rule.

At the time of this notice, there are 83 local exchange companies in Wisconsin, 79 of which are small telecommunications equal access utilities. The agency finds that the protection of customer-specific information is in the public interest and that the standards for regulating access to customer-specific information maintained by telecommunications providers should be uniform throughout the state to the maximum extent possible.

The agency also recognizes that the broad scope of the proposed rule may be inappropriate in specific instances. For that reason, the proposed rule creates a procedure for waiving a provision of the rule if the agency finds that the public interest is better served by suspending enforcement of that provision with respect to a specific telecommunications provider.

FISCAL ESTIMATE

As indicated on the Fiscal Estimate form, included as Attachment B, these rules will have no fiscal impact on the agency or on any other state or local units of government.

ENVIRONMENTAL ANALYSIS

This is a Type III action under § PSC 4.10 (3), Wis. Admin. Code. No unusual circumstances suggesting the likelihood of significant environmental consequences have come to the Commission's attention. Neither an environmental impact statement under § 1.11, Stats., nor an environmental assessment is required.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Commission will hold a public hearing with respect to these proposed rules will be held on June 26, 1998, at 1:30 p.m. in the Flambeau River Conference Room at the Public Service Commission Office Building, 610 North Whitney Way, Madison, Wisconsin.

Docket 1-AC-138

NOTICE IS FURTHER GIVEN that the building at 610 North Whitney Way is accessible to people in wheelchairs through the main floor entrance (Lobby) on the Whitney Way side of the building. Handicapped parking is available on the south side of the building and the building has some wheelchair accessible rest rooms. Any party with a disability who needs additional accommodations should contact Richard Teslaw at (608) 267-9766.

WRITTEN COMMENTS

NOTICE IS FURTHER GIVEN that any person may submit written comments on the proposed rules. The hearing record will be open for written comments from the public effectively immediately, until no later than **noon on July 3, 1998**. Comments filed by **fax** are due no later than **noon on July 2, 1998**.

If filing by mail, courier or hand delivery: Address comments as shown in the box on page 1 and all written comments on the rules must refer to docket 1-AC-138. Industry parties should submit **an original and 15 copies**. Members of the general public need only file **an original**. Filings are due by **July 3, 1998, at noon**. If filing by fax: Send fax comments as shown in the box on page 1. **Fax filing cover sheets MUST state "Official Filing,"** the docket number (1-AC-138), and the number of pages (limited to 20 pages for fax comments). Filings by fax are due by **July 2, 1998, at noon. File by one mode only.**

POINTS OF CONTACT

If there are questions regarding the hearing, please contact Hearing Examiner at (608) 266-7173. Questions pertaining to the proposed rule may be directed to Mary M. Stevens, Staff Counsel, Telecommunications Division, at (608) 266-1125, or Dennis Klaila, Telecommunications Division, at (608) 267-9780.

Dated at Madison, Wisconsin, May 7, 1998

For the Commission:



Lynda L. Dorr
Secretary to the Commission

LLD:MMS:DJK:jah:reb:g:\notice\pending\privacy notice ver2
Attachments

**ATTACHMENT A
TEXT OF PROPOSED RULE**

~~(2) to (23)~~

2. FOM

SECTION 1. PSC 165.02(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22) and (23) are renumbered PSC 165.02(3), (4), (7), (8), (12), (13), (14), (15), (16), (18), (19), (20), (21), (22), (23), (24), (27), (31), (32), (36), (37) and (40).

~~(17) to (23)~~

SECTION 2. PSC 165.02(2) is created to read:

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PJC

(2) "Automatic number identification (ANI)" means the delivery of the calling party's billing number by a local exchange carrier to any interconnecting carrier for billing or routing purposes, and the subsequent delivery of such number to end users.

2

SECTION 3. PSC 165.02(5) and (6) are created to read:

4
4

PJC

(5) "Basic local exchange service" has the meaning set forth in s. 196.01, Stats.

(6) "Basic message telecommunications service" has the meaning set forth in s. 196.01, Stats.

SECTION 4. PSC 165.02(9), (10) and (11) are created to read:

(9) "Caller identification blocking service" means a telecommunications service that permits a calling party to prevent the transmission of the telephone line identification to calling number delivery subscribers and calling name delivery subscribers.

(10) "Calling name delivery" means a telephone caller identification service in which the subscriber name of an access line used to place a telephone call is transmitted to a telephone caller identification service subscriber.

(11) "Calling number delivery" means a telephone caller identification service in which the telephone number of an access line used to place a telephone call is transmitted to a telephone caller identification service subscriber.

SECTION 5. PSC 165.02(17) is created to read:

(17) "Customer proprietary network information" means:

(a) Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications provider, and that is made available to the provider solely by virtue of the subscription relationship between the provider and customer.

(b) Information contained in the bills pertaining to basic local exchange service or basic message telecommunications service received by a customer of a telecommunications provider, except that customer proprietary network information does not include or refer to subscriber list information.

SECTION 6. PSC 165.02(25) and (26) are created to read:

(25) "Non-published number" means a telecommunications service that permits a subscriber to omit his or her customer listing from the telephone directory and from directory assistance listings.

(26) "Non-listed number" means a telecommunications service that permits a subscriber to omit his or her customer listing from the telephone directory. A non-listed number is available through directory assistance.

SECTION 7. PSC 165.02(28), (29) and (30) are created to read:

(28) "Per-call blocking" means a caller identification blocking service that prevents the disclosure of the telephone line identification on an individual call basis.

(29) "Per-line blocking" means a caller identification blocking service that prevents the disclosure of the telephone line identification on every call, unless the calling party acts to release the telephone line identification on an individual call basis.

(30) ^(a) "Privacy consideration" means a foreseeable possibility that the operation of a given telecommunications service could result in an outflow of information about users of telecommunications services, ^{could} the receipt of a telephone call that intrudes upon the privacy of a user of telecommunications services, ^{could} or otherwise fail to comply with the requirements set forth in ss. PSC 165.21 ^{to} through 165.28.

^a (a) An "outflow of information about users of telecommunications services" ^{means} occurs when a telecommunications provider uses, discloses or permits access to personally identifiable information about the user. For purposes of this subsection, an outflow of information includes a telephone caller identification service; a subscriber list rental agreement; the use, disclosure or access to customer records and customer proprietary network information; and the use, disclosure or access to other personally identifiable information received or obtained by a telecommunications provider in the course of providing a telecommunications service.

^c (b) "Privacy consideration" does not refer to the ringing bell or other announcement signal associated with an incoming telephone call, the communication of information protected by any provision of statute or the constitution, or any practice, service or act that is permitted under ss. 968.27 to 968.37, Stats.

SECTION 8. PSC 165.02(33), (34) and (35) are created to read:

(33) "Subscriber list information" means: ^{any of the following}

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Also tied to operations of subscriber (US subscription)

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state of Fla. law

(a) Any information identifying the listed names of subscribers of a telecommunications provider and ^{the} such subscribers' telephone numbers, addresses, or primary advertising classifications, or any combination thereof. "Subscriber list information" does not include or refer to any information pertaining to a telephone customer account where the subscriber has subscribed to a non-published or non-listed number service.

(b) Any information that a telecommunications provider or an affiliate has published, caused to be published, or accepted for future publication in any directory format.

(34) "Telecommunications carrier" has the meaning set forth in s. 196.01, Stats. ^{18m}

(35) "Telecommunications provider" has the meaning set forth in s. 196.01, Stats. ⁽⁸⁰⁾

SECTION 9. PSC 165.02(38) and (39) are created to read:

(38) "Telephone caller identification service" has the meaning set forth in s. 196.207(1)(c), Stats. "Telephone caller identification service" does not include or refer to telecommunications services that are not subject to the requirements of s. 196.207, Stats.

(39) "Telephone line identification" has the meaning set forth in s. 196.207(1)(d), Stats.

SECTION 10. PSC 165.20 through 165.30 are created to read:

PSC 165.20 Purpose. The purpose of ss. 165.20 through 165.30 of this chapter is to set forth privacy ^{requirements} guidelines applicable to intrastate telecommunications services and to establish a telecommunications privacy council to advise the commission concerning the administration of s. 196.209, Stats., and the enforcement of the privacy provisions of this chapter.

PSC 165.21 Privacy considerations for new services. (1) Any telecommunications provider proposing to offer a new service or add a new feature to an existing service, under ss. 196.19, 196.196(3), or 196.499, Stats., shall comment in its tariff application to the

Handwritten notes and initials: "Z", "H", "5/10/03", "2-# 2-1-1/2/03", "Doesn't exist CWSP OK", "PSC", "A", "18m", "(80)".

commission on any privacy considerations that are expected to occur with respect to the new service, or state that no privacy considerations are known to exist with respect to the new service.

(2) In its comment, the provider shall identify: *all...*

- (a) The circumstances in which the privacy consideration could occur.
- (b) Whether the degree of privacy diminished by the new service or feature can be restored.
- (c) Whether the means to restore privacy will be available for a charge and, if applicable:
 - 1. What the charge will be.
 - 2. What reason justifies the charge for restoring the privacy diminished by the new service or feature.

(3) Pursuant to ss. 196.19(1m)(b) and 196.499(1), Stats., the commission staff shall review a tariff application under sub. (1) to identify any privacy considerations that could arise with the new service.

(4) (a) If the commission determines that unresolved privacy considerations exist with respect to a tariff application filed under s.196.19(1m), Stats., it shall serve a written notice of suspension on the telecommunications utility, pursuant to s. 196.19(1m)(b), Stats.

*Duplicate
196.19(1m)(b)*

(b) The commission shall make a determination under par. (a) and serve a notice of suspension on the telecommunications utility within 10 days after the date on which the proposed tariff was filed with the commission.

(c) A notice of suspension shall state the specific privacy considerations the commission will investigate.

(d) Upon issuing a notice of suspension, the commission shall: *do all...*

- 1. Open a docket and issue a public notice designating the matter for investigation.

- 2. Indicate whether a hearing will be held.
- 3. Issue an order as required by s. 196.19(1m)(d), Stats.
- (5) If the commission determines that unresolved privacy considerations exist with respect to a tariff application filed under s. 196.499, Stats., it shall investigate the matter under s. 196.499(6), Stats.

*W.D. 1/10/03
-Per. Mktg.
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SEP sub*

PSC 165.22 Telephone caller identification service. (1) GENERAL. The following minimum conditions of service apply to the provision of calling name delivery or calling number delivery. No provision of this section should be interpreted to prevent a telecommunications provider from offering per-line blocking at no additional charge to customers in addition to those specified herein. *← bad intro.*

why not tel. caller ID service (1-5-000) am I right?

(a) A telecommunications provider offering a telephone caller identification service shall provide per-call blocking at no additional charge on every access line in an exchange where caller identification is offered, unless it is not feasible to do so.

(b) A telecommunications provider proposing to offer a telephone caller identification service under a tariff filed pursuant to ss. 196.19 or 196.196(3), Stats., shall identify in its tariff application all access lines where the per-call blocking feature will not be available and explain why the per-call blocking feature is not feasible on those lines.

(c) A telecommunications provider offering a telephone caller identification service shall provide per-line blocking in accordance with the conditions of service specified in subs. (2), (3), and (4). *RJ to M*

2-

(d) A telecommunications provider offering a telephone caller identification service that offers a per-line blocking feature to customers in addition to those specified in subs. (2), (3), and (4) may not charge for that per-line blocking feature.

(e) A telecommunications provider offering a telephone caller identification service shall conduct an information campaign in accordance with sub. (5) prior to offering the service.

(2) BLOCKING FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) A telecommunications provider offering a telephone caller identification service shall provide per-line blocking on an optional basis at no additional charge to the following persons located within an area where such service is offered:

1. Any person protected by an injunction, temporary restraining order, or other court order relating to domestic abuse, harassment or child abuse issued in any jurisdiction in the United States.

2. Any organization designated by the commission as eligible to receive per-line blocking under ss. 196.207(2)(e)2 and 196.207(2)(e)3.

(b) Persons eligible for blocking under this subsection may specify the access lines subject to per-line blocking as follows:

1. An eligible individual may order per-line blocking for any access line, regardless of whether he or she is the listed subscriber for that access line, with a statement to the telecommunications provider, either orally or in writing, to the effect that the access line will be used by an eligible individual or organization, unless the subscriber of record for that access line declines the blocking service.

2. An eligible organization may order per-line blocking for the residential access line of any employee of the organization, or any residential access line designated by the eligible organization as serving a victim of domestic violence.

(3) BLOCKING FOR PUBLIC SAFETY AND SOCIAL SERVICE AGENCIES.

(a) A telecommunications provider offering a telephone caller identification service shall provide per-line blocking at no charge, upon written request, to any municipal, county, state or federal law enforcement agency, fire department, public social service agency or parole office within the exchange where such service is offered.

(b) An eligible agency under sub. (1) may order per-line blocking for any access line it designates, regardless of whether the agency is the listed subscriber, with a written request to the telecommunications utility to the effect that the access line will be used by that eligible agency for its official purposes, unless the subscriber of record for that access line declines the blocking service.

(c) An eligible agency under sub. (1) may order per-line blocking at no charge for any individual if the agency determines per-line blocking is necessary to prevent a threat of violence, or protect the safety of any person in that subscriber's household.

(4) **RESALE.** A telecommunications provider offering basic local exchange service to another telecommunications provider for purposes of resale, either through a tariff filed under s. 196.19, Stats., or through an interconnection agreement negotiated or arbitrated pursuant to 47 USC 251 and approved by the commission, may not condition, limit, or otherwise restrict the ability of the reseller or competitive local exchange carrier to offer per-line blocking, on an optional basis and at no additional charge, to any of its customers, except that the reseller or

competitive local exchange carrier must comply with the minimum conditions of service in sub. (1).

2. U.S. 7/01
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(5) INFORMATION CAMPAIGN. (a) Any telecommunications provider proposing to offer a caller identification service in a given exchange shall conduct an information campaign in that exchange during the 60-day period preceding introduction of the service.

(b) The information campaign shall inform telephone users *all of* the following:

1. The date on which a telephone caller identification service will become operational in a given exchange.

2. The procedure for operating the per-call blocking signal.

3. A discussion of the display device that is required with a telephone caller identification service, and the effect blocking will have upon the call display.

4. An explanation that blocking will not affect the operation of the 911 emergency telephone system.

5. 7/01
5. Notification that additional information regarding the availability of customer premises equipment providing either automatic blocking or blocked call blocking functionality is available upon request.

6. An explanation of the out-of-area indications a subscriber may experience with a telephone caller identification service.

7. A telephone number for a customer service representative prepared to answer other questions about the telephone caller identification service.

(c) Any telecommunications provider proposing to offer a telephone caller identification service shall contact all eligible organizations it serves, by separate direct mail, to inform those

organizations of their blocking privilege, as well as the blocking options of the individuals whom they serve, and ascertain whether the eligible organization desires per-line blocking.

(d) Any telecommunications provider proposing to offer a telephone caller identification service shall provide the required information in a press release to local media, and in a bill insert mailed to all subscribers in an exchange at least 20 days before introduction of such service.

(e) A telecommunications provider shall repeat this information campaign each time the provider substantially modifies the operation of the telephone caller identification service in a given service area.

PSC 165.23 Non-published and non-listed number services. A telecommunications provider offering basic local exchange service shall offer to its customers a non-listed and a non-published number service. The provider may establish a reasonable charge for the services.

PSC 165.24 Call detail. A telecommunications provider offering basic local exchange service on a measured or per-call basis shall offer to provide a summary of the local call detail as part of the local telephone bill. The provider may establish a reasonable charge for the service.

PSC 165.25 Call trace. A telecommunications provider offering basic local exchange service shall offer to its customers a tracing service to identify the source of unlawful, abusive and nuisance telephone calls. The provider may establish a reasonable charge for the service.

PSC 165.26 Subscriber list rental service. (1) A telecommunications provider offering basic local exchange service may furnish subscriber list information to third parties for a reasonable charge.

(2) A telecommunications provider may not include the name, address or other information pertaining to a telephone customer account for which the subscriber has subscribed to a non-

published or non-listed number service without first obtaining the written authorization of the subscriber in question.

(3) Any telecommunications provider furnishing subscriber list information to third parties shall publish a telephone number that a subscriber may call to remove his or her subscriber list information from future subscriber list agreements.

(4) This section does not apply to the release of subscriber list information to the extent that release is required by 47 USC 222(e), or by rules promulgated by the federal communications commission. This section does not apply to the sale or exchange of white pages listings to telecommunications providers for the purpose of preparing a white page directory of the local calling area for a given exchange.

2-5-11 **PSC 165.27 Customer records.** (1) GENERAL. A telecommunications provider offering basic local exchange service or basic message telecommunications service within the state shall ^{not} not make available to any person, without obtaining prior written consent of the subscriber, any of the following information:

(a) The subscriber's call detail, including personal patterns and any listing of the telephone numbers or other access numbers called by the subscriber. This paragraph does not apply to calling name delivery or calling number delivery, subject to the restrictions in s. PSC 165.22, and does not apply to billing information concerning the person calling which federal law or regulation requires a telecommunications provider to furnish to the person called.

(b) The subscriber's credit or other personal financial information.

(c) The basic or optional telecommunications services which a subscriber has ordered from either a telecommunications provider or from an independent supplier of information services

that uses telecommunications network facilities to provide the basic or optional telecommunications service to the subscriber.

(d) Demographic information about individual subscribers, or aggregate information from which individual identities and characteristics have not been removed.

(2) **DISCLOSURE TO SUBSCRIBER.** If a telecommunications provider releases information to a third party, with the consent of the subscriber under sub. (1), the provider shall inform the subscriber, upon request, of the identity of each person to whom the information has been released.

(3) **RESCISSION.** Any subscriber who has given consent for the release of personal information under sub. (1) may rescind this consent upon written notice to the telecommunications provider.

(4) **EXCLUSIONS.** This section does not apply to any of the following:

(a) Information provided by subscribers for inclusion in a telephone directory.

(b) Information provided through directory assistance service.

(c) Postal zip code information.

(d) Information provided to a collection agency by a telecommunications provider for the exclusive purpose of collecting unpaid debts owed the provider.

(e) Information disclosed to a dispatcher at a public safety answering point in the course of a telephone call to 911, or any other call communicating an imminent threat to life or property.

(f) Information provided to a law enforcement agency or other third party in response to a subpoena, court order or other lawful process.

(g) Information required by the commission pursuant to its jurisdiction over telecommunications providers.

(h) Information transmitted between telecommunications providers to the extent necessary to furnish telecommunications service between or within service areas.

(i) Information a telecommunications provider is required to release under the rules and orders of the commission, including information provided to another telecommunications provider to comply with s. PSC 165.051. *← Deposits*

CK
(j) Information a telecommunications provider is required to release by federal statute *or* the rules *or* orders of the federal communications commission.

(k) Subscriber list information and customer proprietary network information.

PSC 165.28 Customer proprietary network information. (1) A telecommunications provider offering basic local exchange service or basic message telecommunications service within the state that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to that customer proprietary network information in its provision of: *all...*

↑
(a) The telecommunications service from which the information was derived.

(b) Services necessary to, or used in, the provision of the telecommunications service from which the information was derived, including the publishing of telephone directories.

(2) A telecommunications provider offering basic local exchange service or basic message telecommunications service within the state that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall disclose the

customer proprietary network information for a given customer account, upon affirmative written request by the customer, to any person designated by the customer.

(3) This section does not apply to: ^{any - -}

(a) The use, disclosure or access to aggregate customer information from which individual customer identities and characteristics have been removed to the extent that use, disclosure or access is permitted by 47 USC 222, or by rules promulgated by the federal communications commission.

(b) The use, disclosure or access to customer proprietary network information permitted by 47 USC 222(d), or by rules promulgated by the federal communications commission.

PSC 165.29 Waiver. (1) Upon petition from a telecommunications provider regulated under this chapter, or upon its own motion, the commission may waive or modify application of a provision of this chapter as it applies to one or more providers if it finds that waiver or modification is in the public interest.

(2) If the commission receives a petition for a waiver, or decides to consider a waiver on its own motion, the commission shall issue a public notice and provide an opportunity for hearing.

(3) The commission's consideration of a waiver request shall include all of the following:

(a) The benefit of the provision to consumers of telecommunications services.

(b) The cost of the provision with respect to a specific telecommunications provider.

(c) The availability of any alternative regulatory procedures.

(d) If the waiver request concerns a small business as defined in ss. 227.114(1) and 196.216, Stats., the factors specified in s. 227.114(2), Stats.

PSC 165.30 Telecommunications privacy council. (1) GENERAL. The commission shall appoint a telecommunications privacy council consisting of representatives of the telecommunications industry and consumers of telecommunications services.

(2) MEMBERSHIP. The council shall consist of 13 members. The commission shall appoint those members as follows:

- 1- Authority*
- (a) The attorney general or a designee.
 - (b) The secretary of the department of administration or a designee.
 - (c) The cochairpersons of the joint committee on information policy or their designees.
 - (d) Four members from the telecommunications industry.
 - (e) Five members from the general public representing residential and business users.

(3) STAFF ASSISTANCE. The commission shall assign staff members as needed to facilitate the work of the council. The commission shall appoint a member of the commission staff to serve as staff liaison for the council. The liaison shall be a non-voting member and shall *do all...*

- (a) Assist the council in obtaining subject matter expertise in the area of telecommunications privacy.
- (b) Maintain the official record of the council, including membership, minutes of meetings, agenda ^o and reports.
- (c) Assist the chairperson in planning the agenda, time and place of meetings.
- (d) Provide other administrative assistance as requested by the council.

(4) TERM. Members, other than those members appointed from the department of justice, the department of administration, and the joint committee on information policy, shall serve for three years.

(5) ORGANIZATION. The council shall elect from its membership a chairperson. Such elections shall be held at the first meeting of each calendar year. The term of office for these positions shall be one year.

only a chair

(6) DUTIES. The telecommunications privacy council shall advise the commission concerning the administration of s. 196.209, Stats., the content of administrative rules adopted pursuant to s. 196.209(1), Stats., and any other matters assigned to the council by the commission.

(7) MEETINGS. The telecommunications privacy council shall meet at least once each year.

(8) REIMBURSEMENT. Members of the telecommunications privacy council shall serve without compensation. Members, other than those members from the department of justice, the department of administration, the joint committee on information policy and the telecommunications industry, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as part of the telecommunications privacy council, subject to any budget guidelines the commission may adopt.

(9) BYLAWS. The telecommunications privacy council may adopt bylaws appropriate for the operation of the council.

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