

Rule No. 25

RELEASE OF CREDIT INFORMATION AND CALLING RECORDS

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California Public Utilities Commission's Decision Nos. 92860 and 93361, in Case No. 10206, requires that each communications Utility, operating under the jurisdiction of the Commission, include the provisions of the rule set forth in Appendix "B" of that decision as a part of the rules in the Utility's tariff schedules. Accordingly, Appendix "B" of Decision Nos. 92860 and 93361, Case No. 10206 is quoted herein, except as modified by Decision Nos. 83-06-066, 83-06-073, and 83-09-61.

APPENDIX "B"

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A. Definitions

1. Credit Information

A customer's credit information is the information contained in the customer's utility account record, including but not limited to: account established date, "can-be-reached" number, name of employer, employer's address, customer's social security and/or driver's license number, billing name, and location of previous service. Not included in customer credit information for purposes of these rules are: nonpublished customer information, or customer's name, address, and telephone number as listed in the telephone directory.

2. Calling Records

Calling records are the records of calls made from a customer's telephone no matter how recorded and regardless of whether such information appears in the customer's monthly telephone service bill. Toll records, the name and address of the called party, and pen registers are examples of calling records.

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B. Release of Customer Credit Information and Calling Records

A customer's credit information and/or calling records shall be released by a telephone utility only under the following circumstances:

- 1. Upon receipt of a search warrant obtained pursuant to a California or federal law, or of a federal grand jury subpoena or a federal agency subpoena; or

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(L) Material now shown in Rule No. 25, Cal. P.U.C. Sheet No. 448-T, in a different form.

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 62

K. J. Waters

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83-06-073, 83-09-061

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Resolution No.

OCT 4 1983

Rule No. 25

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(Continued)

(C)

B. Release of Customer Credit Information and Calling Records - (Cont'd) (L)

2. Upon making return to a subpoena or subpoena duces tecum, when it reasonably appears to the telephone utility that the procedures set out in Code of Civil Procedure Section 1985.3, or successor provisions, as they then exist, have been followed. The Utility shall not produce the records if there has not been compliance with CCP Section 1985.3. The Utility shall abide by all orders to quash, protective orders and similar court orders which may be issued with regard to the subpoenaed credit information and calling records.

3. Upon receiving permission of the customer to release the information.

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(L) Paragraph B.2. and 3. previously shown in Rule No. 25, Cal. P.U.C. Sheet No. 409-T, in a different form.

(Y) Paragraph D. now shown in Rule No. 25, Cal. P.U.C. Sheet No. 449-T.

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D. Deferral of Notification

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1. Notification to the customer will be deferred, and no disclosure made for a period of 90 days if there is a certification for nondisclosure in the body of a subpoena or search warrant. The certification for nondisclosure must contain a statement that there is sufficient reason to believe that such notification would impede the investigation in which the request is made. Upon making return to the court to a subpoena, the telephone Utility shall request instruction from the court whether it should notify the customer of its receipt of the subpoena before divulging the information or records requested. (C)
2. The 90-day period can be extended for successive 90-day periods upon a new written certification in each instance that there is probable cause to believe notification to the customer would impede the investigation of an offense pursuant to which the subpoena or warrant was issued. (C)
3. Successive new written certifications shall be made by the individual who procured the issuance of the subpoena or warrant or, if that person is unavailable, by another member of the authorized agency who also certifies that he or she has been assigned to handle the matter for which the credit information or calling records has been obtained. (L)
4. Within five working days of the expiration of any outstanding certifications, or any renewal of such certification, the deferred notification shall be given in writing to the customer. (C)

E. Exception to Procedure for Release of Credit and Calling Records

1. The procedure set forth above does not apply where the requestor is a collection agency working for the Utility on the customer's account or is an independent telephone company, other common carrier/interexchange carrier, Bell Operating Company, or Bell Company. (C)

F. Retention of Records

1. Records of requests for credit information and calling records, other than from a Utility's employees, shall be retained for a period of at least one year from the date on which the customer is notified in writing of the request. A copy of the letter of notification which was sent to the customer shall also be retained for a like period of one year. (C)

(L) Material previously shown in Rule No. 25, Cal. P.U.C. Sheet No. 410-T.

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