

Rule No. 23

(N)

RELEASE OF CREDIT INFORMATION AND CALLING RECORDS

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 Decisions Nos. 83-06-066, 83-06-073, and 83-09-61.

APPENDIX "B"

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.

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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(To be inserted by utility)

Issued by

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

Advice Letter No. _____

K. J. WATERS

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(Continued)

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

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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