

**Resolution Regarding H.R. 3432,  
"Telephone Consumer Privacy Protection Act of 1993"**

**WHEREAS**, On November 3, 1993, Congressman Ed Markey (D-MA) the Chairman of the House Energy and Commerce Subcommittee on Telecommunications and Finance introduced H.R. 3432, the "Telephone Consumer Privacy Protection Act of 1993"; and

**WHEREAS**, The bill has been assigned to the Committee on Energy and Commerce-Subcommittee on Telecommunications and Finance for review and markup; and

**WHEREAS**, Title I: Privacy of Customers Proprietary Network Information (CPNI) of the proposed legislation defines CPNI as information relating to the quantity, destination, type of phone calls, frequency of calls, and other; and

**WHEREAS**, Title I: Privacy of Customers Proprietary Network Information of the proposed legislation prohibits a local exchange carrier from disclosing customer proprietary information to anyone, including an affiliate or subsidiary of the telephone company, unless required by law or by customer request; requires that the FCC be notified to the availability of aggregate or compiled CPNI whenever it is made available to an affiliate and that information must be made available to unaffiliated service providers on the same basis; and

**WHEREAS**, Title II of the proposed legislation mandates that the FCC tariff Caller ID services within 180 days of the enactment to include free per call blocking; and

**WHEREAS**, Title II.C provides that common carriers provide ANI services under tariff and contract with consumer protection requirements for use and disclosure of ANI; and

**WHEREAS**, Title III: Access to Telephone Records of the proposed legislation requires carriers to notify customers when the carrier divulges or publishes a subscriber's billing information or the content of subscribers' communications when the carrier provides this information pursuant to a subpoena issued by a court of competent jurisdiction or on demand of other lawful authority; and

**WHEREAS**, The prevention and detection of toll fraud requires that carriers be able to promptly cooperate with law enforcement officials by providing them with necessary customer information, which could include "subscriber information" and "customer proprietary network information" as those terms are defined in the Bill, in cases of suspected toll fraud; and

**WHEREAS**, It is not clear whether carriers' divulgence of this information in compliance with the request of law enforcement officials, in the absence of a subpoena, would be permitted under the Bill; and

**WHEREAS**, After reviewing this proposed legislation, the NARUC has a concern with regard to Title I. First, the restrictions on disclosure of CPNI only apply to local exchange carriers, while nothing is said about interexchange carriers, electric utilities, gas companies,

cable companies, alternative access service providers, and resellers or any other service provider who could collect and sell CPNI. Second, the legislation would permit the FCC to exempt local exchange carriers that do not have 1,000,000 aggregate nationwide lines if the FCC determines that such an exemption is in the public interest or if compliance with the requirements would impose an undue economic burden on the carrier; and

**WHEREAS**, NARUC's General Counsel and Office of Congressional Relations has sent correspondence encouraging State commissions to contact their house members and express their thoughts on this bill; now, therefore, be it

**RESOLVED**, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1994 Winter Meetings in Washington, D.C., believes all carriers that can compile CPNI should be subject to all the privacy restrictions of this legislation and that no exemption should be given for carriers with less than 1,000,000 aggregate subscribers; and be it further

**RESOLVED**, NARUC supports a clarification to the Bill to confirm that carriers may release subscriber information and customer proprietary network information upon request of law enforcement officials conducting a toll fraud investigation; and be it further

**RESOLVED**, That the legislation should be amended to allow individual States the right to determine the tariff provisions for the offering of Caller ID services within their borders; and be it further

**RESOLVED**, That NARUC generally supports the ANI provisions included in the bill as drafted; and be it further

**RESOLVED**, That State commissions should follow the suggestion of NARUC General Counsel to contact their House members and express their thoughts on this bill.

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Sponsored by the Committee on Communications  
Adopted March 2, 1994  
Reported NARUC Bulletin, No. 11-1994, pp. 3-4