

ISSUE DATE: January 29, 1997

DOCKET NO. P-407/EM-96-1390

ORDER APPROVING TARIFF AS MODIFIED

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs  
Edward A. Garvey  
Marshall Johnson  
Mac McCollar  
Don Storm

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of GTE Minnesota's Petition to Enhance and Make Additions to Billing Name and Address Services

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**PROCEDURAL HISTORY**

On November 8, 1996, GTE Minnesota (GTE or the Company) submitted a proposal to enhance and make additions to its Billing Name & Address Services (BNAS).

On November 26, 1996, the Residential Utilities Division of the Office of the Attorney General (RUD-OAG) submitted comments recommending denial of GTE's proposal to introduce the End User Validation List Service and modification of the language of GTE's proposed enhancements to BNAS.

On December 16, 1996, the Department of Public Service (the Department) submitted reply comments.

On January 21, 1997, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

**A. GTE's Proposal**

GTE offers BNAS to operator service providers, enhanced service providers, telecommunications carriers, and others who intend to directly bill GTE's end-users for completing a collect, third-party, or GTE-issued calling card call. The enhancements suggested by GTE reflect a reorganization of the language explaining, and the conditions affecting, BNAS. GTE proposed to introduce the End User Validation List Service as part of its BNAS.

**B. End User Validation List**

## **1. GTE's Proposal**

As part of offering this service, GTE proposed to disclose:

... all or a portion of end user/agent data available from the Telephone Company's records, to a Telecommunications Service Provider (customer), for purposes other than billing, and in compliance with the conditions set forth in Part 64.1201(c)(1) of the FCC's Rules and Regulations. (Section 8.10.2, Original Page 334.3).

## **2. The RUD-OAG**

The RUD-OAG expressed concern that the term "end user/agent data" can be interpreted too broadly, that the data in question may include social security numbers, employment and income information, and other information not directly associated with billing. Furthermore, the RUD-OAG argued that GTE has shown no reason why the disclosure of non-billing name and address information "for purposes other than billing" is necessary. The RUD-OAG contended that the FCC rule referred to by GTE allows only the disclosure of billing name and address information. The RUD-OAG asked the Commission to deny the request to introduce the End User Validation List.

## **3. The Department**

The Department stated that the End User Verification List does not contain information regarding an end-user's mother's maiden name, end-user income, or calling pattern, as feared by the RUD-OAG. The Department stated that information already available to the end-user's chosen interexchange carrier (IXC) contains the social security number or taxpayer ID, service name and address, language indicator, primary interexchange carrier code, billing cycle information, and area code for sales tax purposes. The information made available to IXCs to which an end-user does not subscribe does not contain the social security number or taxpayer ID.

The Department stated that the disclosure of information other than the social security number or taxpayer ID does not appear to compromise the end-user's privacy and that the chosen IXC is likely to already have the social security number or taxpayer ID.

The Department recommended that GTE be allowed to introduce the End User Verification List as long as it contains only the end-user's billing name and address.

#### **4. Commission Action**

The Commission shares the concern expressed by the RUD-OAG and the Department regarding end-user privacy. While the RUD- OAG recommended that the Commission deny GTE's request to introduce its End User Validation List, the Commission agrees with the Department's approach and will allow GTE to introduce its End User Validation List provided that only billing name and address information be made available to GTE's List subscribers.

Accordingly, the Commission will require GTE to modify its tariff language to limit the information made available to GTE's End-User Validation List Subscribers to billing name and address information only.

#### **C. Consent to Disclose Information**

##### **1. GTE's Proposal**

GTE's proposed tariff states in part:

Per Call/Periodic BNA and DGS information for nonlisted/nonpublished end user telephone numbers will be provided unless the nonlisted/nonpublished end user provides notice of nonconsent to the Telephone Company of nonconsent to the release of the BNA/DGS data. Within 30 days of receipt of such notice, the Telephone Company will discontinue disclosure of the nonlisted/nonpublished BNA/DGS data. (Section 8.10.1, Original Page 334.2).

##### **2. The RUD-OAG**

The OAG is concerned with the end-user's ability to withhold disclosure of the BNA information as proposed in the language describing GTE's Per Call/Periodic BNA and Data Gathering Service (BNA/DGS). The OAG makes reference to the FCC's Rules and Regulations Part 64.2102(e)(3) which states:

No local exchange company shall disclose the billing name and address information associated with any subscriber who has affirmatively withheld consent for disclosure of BNA information.

The RUD-OAG argued that, given the FCC language, GTE cannot place any limitation on which end-users can block disclosure of BNA information. The RUD-OAG requested that the Commission strike the language referring to nonlisted/nonpublished end-users.

### **3. The Department**

The Department agreed with the RUD-OAG that affirmative withholding of BNA information should not be limited to unlisted or non-published end-users; it should be available to all end-users.

### **4. Commission Action**

The Commission finds that the safeguard recommended by the RUD-OAG and the Department is reasonable. The Commission will direct GTE to modify its proposed tariff to clarify that any end user may withhold disclosure of its BNA information.

## **C. Time Required To Implement Non-Disclosure Request**

### **1. GTE's Proposal**

GTE's proposed tariff allows GTE 30 days to implement the end-user's withdrawal of consent to make BNA information available.

### **2. RUD-OAG**

The OAG argued that GTE has failed to demonstrate that it requires 30 days to implement an end-user's withdrawal of consent to make BNA information available. The RUD-OAG requested that the Commission strike the language allowing GTE 30 days to implement the end-user's request.

### **3. The Department**

In its reply comments, the Department indicated that it would be reasonable to allow GTE some period of time to implement non-disclosure. The Department noted that there is a lag time between when a call is made and when the call carrier obtains the BNA information it needs to bill the end-user. The Department noted that if GTE is required to immediately cease to disclose BNA information upon affirmative withdrawal of consent, a call carrier would not be able to obtain billing information for calls placed just prior to withdrawal of consent; the carrier of the calls would not have the BNA information needed to bill the end-user.

### **4. Commission Action**

The Commission finds that it is reasonable to allow GTE 30 days to respond to an end-user's withdrawal of consent. The carrier of a call requires time to organize and send a BNA request to GTE; GTE must process that request and send the information to the carrier; the carrier must download the information from GTE. An additional item of potential delay is the fact that GTE has no control over the length of other companies' billing cycles.

Accordingly, the Commission will approve GTE's tariff language with respect to the 30-day

response time. This is to protect carriers that must obtain information from GTE in order to bill a customer.

## **D. Billed Number Screening**

### **1. GTE's Proposal**

GTE's proposed tariff does not provide that simply by subscribing to Billed Number Screening (BNS), end-users have affirmatively withheld consent to disclose BNA information.

### **2. The RUD-OAG**

The RUD-OAG noted that some end-users subscribe to Billed Number Screening (BNS) which notifies service providers that the end-user will not accept collect or third-party calls and it instructs the LECs to not release BNA information to any service provider for the purpose of billing collect or third-party calls. The RUD-OAG requested that the Commission clarify that end users, by subscribing to Billed Number Screening, have already affirmatively withheld consent to disclose BNA information.

### **3. The Department**

The Department disagreed with the RUD-OAG on this issue, arguing that some subscribers to Billed Number Screening may choose to reject third-billing party calls, but to allow collect call requests through to be considered on a call-by-call basis. The Department objected that to presume that a subscriber to BNS also desires to withhold BNA information from disclosure, as recommended by the RUD-OAG, would not allow an end-user to accept collect calls.

### **4. Commission Action**

The Commission finds that the concern expressed by the Department regarding the RUD-OAG's proposed language change is valid. The RUD-OAG's proposed modified language would nullify the customer choice provided by the Company's BNS language. For example, under the RUD-OAG's proposed language, the customer would not have the option of choosing to block either 3rd party calls or collect calls, vice versa, or both. The customer option would be: block both 3rd party calls and collect calls or block no such calls.

Accordingly, the Commission will not adopt the RUD-OAG's proposed modification. Under the approved language, therefore, a BNS subscriber will retain the option to choose to screen 3rd party calls, collect calls, both or neither.

## ORDER

1. The tariff proposed by GTE Minnesota (GTE or the Company) regarding its Billing Name & Address Services (BNAS) is approved with the following modifications:
  - (a) only billing name and address information be made available to GTE's End User Validation List subscribers and
  - (b) any end-user be allowed to withhold disclosure of its BNA information.
2. Within 20 days of this Order, GTE shall submit modified tariff pages consistent with this Order.
- 3.. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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