

CHAPTER 7813

PUBLIC UTILITIES COMMISSION

TELEPHONE CALL-TRACING SERVICES

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7813.0100 DEFINITIONS.

Subpart 1. **Scope.** Terms used in this chapter have the meanings given them in this part.

Subp. 2. **Call tracing.** "Call tracing" means identifying and recording the numbers of the telephones originating some or all incoming calls to the telephone line of a customer who has complained of receiving harassing calls and has requested that those calls be traced.

Subp. 3. **Customer.** "Customer" means a person, firm, partnership, limited liability company, corporation, municipality, cooperative association or organization, governmental agency, or other entity receiving telecommunications service.

Subp. 4. **CLASS call-tracing service.** "CLASS call-tracing service" means a customer-activated, call-specific form of call-tracing service available in technologically upgraded exchanges as part of a set of services called Custom Local Area Signaling Services.

Subp. 5. **Emergency.** "Emergency" means a situation that appears to present immediate danger to person or property.

Subp. 6. **Harassing telephone calls.** "Harassing telephone calls" means telephone calls in which the caller:

- A. threatens injury to person or property;
- B. makes any comment, request, suggestion, or proposal that is obscene, lewd, or lascivious;
- C. repeatedly makes telephone calls, whether or not conversation ensues, with intent to abuse, threaten, or harass; or
- D. makes or causes the telephone of another person to ring repeatedly or continuously, with intent to harass a person at the called telephone number.

Subp. 7. **Investigative or law enforcement officer.** "Investigative or law enforcement officer" means an officer of the United States, a state, or a political subdivision of the United States or a state, or a University of Minnesota peace officer, who is empowered by law to investigate or make arrests for crimes related to communications, or an attorney authorized by law to prosecute those crimes.

Subp. 8. **Local exchange carrier.** "Local exchange carrier" means a telephone company furnishing local telephone service.

Subp. 9. **Trap and trace device.** "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0200 SCOPE.

This chapter governs how local exchange carriers respond to requests for call tracing made by persons who state they are receiving harassing telephone calls. It does not govern how local exchange carriers respond to court orders requiring or involving call tracing.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0300 WHEN CALL TRACING MUST BE PROVIDED.

Subpart 1. **Request by customer and officer.** Local exchange carriers must provide call-tracing services when requested by both a customer and an investigative or law enforcement officer and the customer has provided written consent.

Subp. 2. **Emergency request.** In emergencies, local exchange carriers shall provide call-tracing services when requested by a customer and the customer has provided oral consent. In emergencies, local exchange carriers shall request written consent promptly and shall advise the customer to seek the assistance of an investigative or law enforcement officer.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0400 REQUESTS FOR CALL-TRACING SERVICES BY CUSTOMERS ONLY.

Subpart 1. **When call-tracing services may be provided.** Local exchange carriers may provide call-tracing services without a request from an investigative or law enforcement officer when a customer alleges receiving harassing telephone calls and provides written consent.

Subp. 2. **Standards for considering requests.** In deciding whether to grant or deny nonemergency requests for call-tracing services from customers who have not involved investigative or law enforcement officers, local exchange carriers shall weigh the following factors:

- A. the likelihood that alternatives to call tracing will stop the calls;
- B. the degree of harm caused by the calls;
- C. the technical difficulty of tracing the calls;
- D. the amount of call-tracing equipment available; and
- E. the number of competing requests for call-tracing services.

Subp. 3. **Customers referred to law enforcement.** Local exchange carriers shall tell customers who request call-tracing services and are denied them that call-tracing services will be provided upon the request of an investigative or law enforcement officer and receipt of the customer's written consent.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0500 CUSTOMER ASSISTANCE WITH ALTERNATIVES TO CALL TRACING.

Local exchange carriers shall explain alternatives to call tracing to customers who report receiving annoying calls but do not believe law enforcement assistance is necessary, and to customers whose requests for call-tracing services are denied. These alternatives may include hanging up on the caller, changing telephone numbers, or using an unlisted or unpublished telephone number.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0600 COMPANIES TO PROVIDE CONSENT FORMS.

Local exchange carriers shall prepare, and provide to customers upon request, forms for granting consent to having their incoming calls traced. Carriers shall not insert any agreements or obligations beyond such consent in those forms. Carriers shall accept as written consent any writing signed by the customer consenting to having incoming calls traced.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0700 TIME FOR RESPONDING TO REQUESTS.

Subpart 1. **Answering time.** Local exchange carriers shall maintain adequate staffing levels to ensure that 90 percent of calls from customers requesting call tracing are answered

within 20 seconds. "Answered" means that the operator or representative is ready to render assistance or accept the information necessary to handle the call. Acknowledging that the customer is waiting on the line and will be served in turn is not an adequate answer.

Subp. 2. Deadlines for activating tracing service. In emergencies, local exchange carriers shall activate call-tracing services as soon as possible, but no later than four hours after receiving a request and oral consent from the customer. In other cases in which call tracing must be provided under part 7813.0300, local exchange carriers shall activate call-tracing services within 48 hours of receiving written consent of the customer or the request of an investigative or law enforcement officer, whichever is later.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0800 STANDARDS FOR PROVIDING CALL-TRACING SERVICE.

Subpart 1. Customer assistance required. Local exchange carriers shall assist customers whose calls are being traced using trap and trace technology by providing logs to record the dates and times of harassing calls and by maintaining a log of the dates, times, and originating telephone numbers of calls which have been traced by the company and identified as harassing by the customer.

Subp. 2. Treatment of identified numbers. Except as otherwise provided by law, local exchange carriers shall release the originating telephone numbers of calls identified as harassing only to investigative or law enforcement officers, not to customers receiving call-tracing services. Local exchange carriers shall work with investigative or law enforcement officers to develop time frames for transmitting those originating telephone numbers to them.

Subp. 3. Duration of call-tracing services. Local exchange carriers shall work with investigative or law enforcement officers to determine how long call-tracing services should be provided, both in general and in particular cases.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.0900 CALL-TRACING TARIFFS REQUIRED.

Local exchange carriers shall file and maintain tariffs explaining the provision of call-tracing services, their standards for determining whether to grant or deny call-tracing requests not accompanied by requests from investigative or law enforcement officers, and their standards for determining the duration of call-tracing services.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.1000 DIRECTORY INFORMATION ON DEALING WITH HARASSING CALLS.

Local exchange carriers shall include in their directories an explanation of how to request call-tracing services and the telephone number of a company representative who can provide further information.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*

7813.1100 CLASS CALL TRACING.

Subpart 1. Alternative to traditional technologies. Local exchange carriers may respond to call-tracing requests by providing CLASS call-tracing services where that service is available and approved by the commission and will function as accurately as installing a trap and trace device.

Subp. 2. Express consent unnecessary. A customer's decision to use CLASS call-tracing service to trace a specific call constitutes consent under this chapter. Written consent of the customer is not necessary for the customer to use CLASS call-tracing service.

Statutory Authority: *MS s 237.069*

History: *19 SR 1518*