

1 Public Utilities Commission

2

3 Adopted Permanent Rules Relating to Customer Requests for

4 Telephone Call-tracing Services

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6 Rules as Adopted

7 7813.0100 DEFINITIONS.

8 Subpart 1. Scope. Terms used in this chapter have the

9 meanings given them in this part.

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

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

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

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

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

29 A. threatens injury to person or property;

30 B. makes any comment, request, suggestion, or
31 proposal that is obscene, lewd, or lascivious;

32 C. repeatedly makes telephone calls, whether or not
33 conversation ensues, with intent to abuse, threaten, or harass;
34 or

35 D. makes or causes the telephone of another person to

1 ring repeatedly or continuously, with intent to harass a person
2 at the called telephone number.

3 Subp. 7. Investigative or law enforcement officer.

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

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

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

17 7813.0200 SCOPE.

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

23 7813.0300 WHEN CALL TRACING MUST BE PROVIDED.

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

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

1 7813.0400 REQUESTS FOR CALL-TRACING SERVICES BY CUSTOMERS ONLY.

2 Subpart 1. When call-tracing services may be provided.

3 Local exchange carriers may provide call-tracing services
4 without a request from an investigative or law enforcement
5 officer when a customer alleges receiving harassing telephone
6 calls and provides written consent.

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

12 A. the likelihood that alternatives to call tracing
13 will stop the calls;

14 B. the degree of harm caused by the calls;

15 C. the technical difficulty of tracing the calls;

16 D. the amount of call-tracing equipment available;

17 and

18 E. the number of competing requests for call-tracing
19 services.

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

25 7813.0500 CUSTOMER ASSISTANCE WITH ALTERNATIVES TO CALL TRACING.

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

33 7813.0600 COMPANIES TO PROVIDE CONSENT FORMS.

34 Local exchange carriers shall prepare, and provide to
35 customers upon request, forms for granting consent to having

1 their incoming calls traced. Carriers shall not insert any
2 agreements or obligations beyond such consent in those forms.
3 Carriers shall accept as written consent any writing signed by
4 the customer consenting to having incoming calls traced.

5 7813.0700 TIME FOR RESPONDING TO REQUESTS.

6 Subpart 1. Answering time. Local exchange carriers shall
7 maintain adequate staffing levels to ensure that 90 percent of
8 calls from customers requesting call tracing are answered within
9 20 seconds. "Answered" means that the operator or
10 representative is ready to render assistance or accept the
11 information necessary to handle the call. Acknowledging that
12 the customer is waiting on the line and will be served in turn
13 is not an adequate answer.

14 Subp. 2. Deadlines for activating tracing service. In
15 emergencies, local exchange carriers shall activate call-tracing
16 services as soon as possible, but no later than four hours after
17 receiving a request and oral consent from the customer. In
18 other cases in which call tracing must be provided under part
19 7813.0300, local exchange carriers shall activate call-tracing
20 services within 48 hours of receiving written consent of the
21 customer or the request of an investigative or law enforcement
22 officer, whichever is later.

23 7813.0800 STANDARDS FOR PROVIDING CALL-TRACING SERVICE.

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

31 Subp. 2. Treatment of identified numbers. Except as
32 otherwise provided by law, local exchange carriers shall release
33 the originating telephone numbers of calls identified as
34 harassing only to investigative or law enforcement officers, not
35 to customers receiving call-tracing services. Local exchange

1 carriers shall work with investigative or law enforcement
2 officers to develop time frames for transmitting those
3 originating telephone numbers to them.

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

8 7813.0900 CALL-TRACING TARIFFS REQUIRED.

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

15 7813.1000 DIRECTORY INFORMATION ON DEALING WITH HARASSING CALLS.

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

20 7813.1100 CLASS CALL TRACING.

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

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