

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter F. REGULATION OF TELECOMMUNICATIONS SERVICE.

§26.123. Caller Identification Services.

- (a) **Application.** Unless the context clearly indicates otherwise, this section applies to all telecommunications utilities and providers of commercial mobile radio services otherwise herein referred to as “Providers of Caller ID.” This section does not apply to a deregulated company holding a certificate of operating authority or to an exempt carrier under Public Utility Regulatory Act (PURA) §52.154.
- (b) **Caller identification services (“caller ID”).**
- (1) **Application.** This subsection shall not be construed to apply to:
- (A) an identification service that is used within the customer’s own system, including a central office based PBX-type system;
 - (B) information that is used on a public agency’s emergency telephone line or on a line that receives the primary emergency telephone number (9-1-1, or E9-1-1);
 - (C) information passed between telecommunications utilities, enhanced service providers, or other entities that is necessary for the set-up, processing, transmission, or billing of telecommunications or related services;
 - (D) information provided in compliance with applicable law or legal process; or
 - (E) an identification service provided in connection with a “700,” “800,” “888,” “900,” or similar access code telecommunications service.
- (2) **Caller ID blocking.**
- (A) **Per-call blocking.** All providers of caller ID shall provide per-call blocking at no charge to each telephone subscriber in the specific area in which caller ID is offered.
- (B) **Per-line blocking.**
- (i) A provider of caller ID may offer and provide per-line blocking to any customer at any time without any notification to the commission by the customer or the provider. The telecommunications provider is encouraged to notify the customer by mail of the effective date that per-line blocking will be instituted.
 - (ii) All providers of caller ID, with the exception of commercial mobile radio service providers, shall provide per-line blocking at no charge to a particular customer in the specific area in which caller ID is offered if the commission receives from the customer written certification that the customer has a compelling need for per-line blocking. Commercial mobile radio service providers shall provide per-line blocking to a particular customer in the specific area in which caller ID is offered if the commission receives from the customer written certification that the customer has a compelling need for per-line blocking.
 - (I) When a customer requests per-line blocking through the commission, the provider of caller ID shall notify the customer by mail of the effective date that per-line blocking will be instituted.
 - (II) The commission may prescribe and assess fees and assessments from providers of caller ID in an amount sufficient to cover the additional expenses incurred by the commission in implementing the customer certification provisions of this clause.
 - (III) Reports, records, and information received under this clause by the commission or by a provider of caller ID are confidential and may be used only for the purposes of administering this subparagraph.

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- (iii) A provider of caller ID may assess a service order charge relating to administrative costs to reinstate per-line blocking on a line, if the customer initially received the per-line block at no charge and then later asked the provider to remove it. The service charge authorized by this clause must be approved by the commission except where the provider of Caller ID is a commercial mobile radio service provider.
- (3) **Blocking failures and provider responsibilities.** When a provider of caller ID service to a customer originating a call becomes aware of a failure to block the delivery of calling party information from a line equipped with per-line blocking or per-call blocking (and the caller had attempted to block the call), it shall report such failure to the Caller ID Consumer Education Panel, the commission, and the affected customer if that customer did not report the failure. The provider shall report such failure to the commission by contacting the commission liaison to the panel. A reasonable effort shall be made to notify the affected customer within 24 hours after the provider becomes aware of such failure.
- (4) **Public policy statement.** A provider of caller ID services shall inform all of its telephone subscribers of how the subscriber can unblock a line equipped with per-line blocking.
- (5) **Caller ID Consumer Education Panel.** The Caller ID Consumer Education Panel shall consist of one person appointed by the Governor, one person appointed by the chair of the commission, after consultation with the Texas Council on Family Violence, and one person appointed by the Public Counsel of the Office of Public Utility Counsel. A commission staff member shall serve as liaison between the panel and the commission.
 - (A) **Role of the Caller ID Consumer Education Panel.** The panel shall meet at least quarterly to:
 - (i) review the level of effort and effectiveness of consumer education materials;
 - (ii) investigate whether educational materials are distributed in as effective a manner as marketing materials; and
 - (iii) develop recommendations for the commission related to the safe use of caller ID services, promotion and preservation of privacy for both the called and calling customers, and efforts to decrease the likelihood of harm resulting from caller ID services.
 - (B) **Reporting.** The panel shall file an annual report with the commission detailing its findings and recommendations pursuant to subparagraph (A) of this paragraph. The commission may implement the recommendations of the panel, as well as those of any interested party, to the extent consistent with the public interest.
 - (C) **Evaluation of the panel.** The commission shall evaluate the panel annually. The evaluation shall be conducted by an evaluation team appointed by the executive director of the commission. The commission liaison, members of the panel, and any other commission employee who works either directly or indirectly with the panel shall not be eligible to serve on the evaluation team. The evaluation team will report to the commission in open meeting each August of its findings regarding:
 - (i) the panel's work;
 - (ii) the panel's usefulness; and
 - (iii) if the panel is reimbursed for its costs by the state, the costs related to the panel's existence, including the cost of agency staff time spent in support of the panel's activities.
 - (D) **Duration of the panel.** The panel shall disband on September 1, 1999, unless reauthorized by statute.

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- (E) Filing of caller ID materials. A provider of caller ID services shall provide all existing caller ID materials used as well as all future materials (when they become available) as follows:

 - (i) One copy of all such material shall be mailed to each member of the panel.
 - (ii) Two copies of all such material shall be filed in Central Records under Project Number 14505.

- (c) **Usage of calling party information in other services.** A dominant certificated telecommunications utility may not use calling party information to allow the called party to contact the calling party, when that calling party had indicated a desire for privacy in the initial call by blocking the delivery of his or her calling party information through the use of either a per-call or per-line blocking option, as those terms are defined in §26.5 of this title (relating to Definitions).