

A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.26 RULE 26 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.27 RULE 27 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

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President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.28 RULE 28 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker

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(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.29 RULE 29 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

Issued by

Harry H. Baker
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(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

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A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.30 RULE 30 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Harry H. Baker

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Date Filed May 29, 2008

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A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.31 RULE 31 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Harry H. Baker
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(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

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A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.32 RULE 32 - Reserved

(Continued)

(To be inserted by utility)

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Date Filed May 29, 2008

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A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.33 RULE 33 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Date Filed May 29, 2008

Effective August 4, 2008

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A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.34 RULE 34 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Harry H. Baker

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(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

- 2.1 RULES - Continued
- 2.1.35 RULE 35 - Reserved

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Date Filed May 29, 2008

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.36 RULE 36 - LIMITATION ON CHARGES FOR SERVICE

Telephone exchange and message unit services are furnished to hotels, apartment houses, and clubs upon the condition that use of the services by guests, tenants, members, and others shall not be made subject to any charge by any hotel, apartment house, or club in addition to the telephone exchange and message unit rates and charges of the Utility, except as specifically provided for in the tariff schedules of the Utility.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

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Date Filed May 29, 2008

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.37 RULE 37 – NON-PUBLISHED SERVICE

A. Definition

Non-Published Service: Upon a customer's request, customer's name, address, and telephone number are not listed in any telephone directory, street address directory, or in the directory assistance records available to the general public. This information, as well as call-forwarding information from such unlisted telephone numbers, shall be released by telephone utilities in response to legal process or to certain authorized governmental agencies provided the requesting agency complies with the Rules herein established for the release of non-published information.

B. Agencies Authorized to Receive Non-Published Information:

1. Any California public agency which employs persons who are peace officers pursuant to California Penal Code Section 830 and all subsections thereof
2. An agency of the federal government which is lawfully authorized to:
 - a. Conduct investigations or make arrests for violations of the criminal laws of the United States; or
 - b. Prosecute violations of the criminal laws of the United States; or
 - c. Enforce civil sanctions which are ancillary to criminal statutes; or
 - d. Conduct investigations into matters involving the national security of the United States; or
 - e. Protect federal or foreign officials; or
 - f. Protect public health and safety; or
 - g. Conduct emergency rescue operations.
3. Any public health agency of the State of California or of a city, county, or other local government
4. County or city 9-1-1 projects
5. State Fire Marshall and Local Fire Department or Fire Protection Agencies

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(To be inserted by utility)

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.37 RULE 37 – NON-PUBLISHED SERVICE - Continued

C. Procedure for Release of Non-Published Information to Authorized Agencies

1. A telephone utility shall only provide non-published information to persons within authorized agencies who are either:
 - a. Peace officers pursuant to California Penal Code Section 830 and all subsections thereof and who are lawfully engaged in a criminal investigation in their official capacity; or
 - b. Health officers who are acting in their official capacity and are lawfully investigating a matter involving a serious communicable disease or life-threatening situation; or
 - c. Employees of an authorized federal agency acting in an official capacity pursuant to a responsibility enumerated in 2.1.37.B.2. preceding; or
 - d. Employees of a county or city 9-1-1 project when acting in an official capacity; or
 - e. Employees of an agency listed in 2.1.37.B.5. preceding when engaged in an investigation involving arson or when engaged in firefighting duties in which there is immediate peril to life or property.
2. Non-published information shall be released by a telephone utility to an authorized agency upon the agency's written request provided that the agency has previously furnished the Utility with a statement, signed by the head of the agency, requesting that non-published information be provided to the agency upon its written request, and listing designated persons, by name, and title, who are authorized to request, in writing, non-published information. The written request for the non-published information must be signed by the head of the agency or by a previously designated person and the request must state that the non-published information is necessary for a lawful investigation being conducted by the agency pursuant to its responsibilities.
3. Non-published information shall also be released by a telephone utility to an authorized agency upon the agency's telephonic request, provided the agency has previously furnished the Utility with a statement. It must be signed by the head of the agency, requesting that non-published information be provided to the agency upon telephonic request and listing designated persons, by name, title, and telephone number, who are authorized to request, by telephone, non-published information. The telephonic request for non-published information must be made by the head of the agency or by one of the previously designated persons.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

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Harry H. Baker

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Date Filed May 29, 2008

Effective August 4, 2008

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.37 RULE 37 – NON-PUBLISHED SERVICE – Continued

C. Procedure for Release of Non-Published Information to Authorized Agencies - Continued

The non-published information requested by telephone shall be provided by the Utility only on a call-back verification basis.

The requesting agency shall, within five working days after making the telephonic request, mail the Utility a letter confirming the request.

D. Notification to Customer

1. The Utility shall not notify a customer regarding the release of customer's non-published information unless the customer contacts the Utility and specifically requests to know whether his non-published information has been released.
2. When a customer inquires of the Utility whether his non-published information has been released, the customer shall be informed that if information has been released he or she will be notified by mail about what information was released and which agency requested the information. If there was no release of non-published information, the customer will receive no communication from the Utility.
3. If the requesting agency certifies that disclosure to a customer about the release of his or her non-published information to that agency could impede an ongoing criminal investigation, the Utility shall withhold notice to the customer for a period of one year from the date of release of the information to the agency.
4. The one-year period of nondisclosure shall be extended for successive one-year periods upon new written certification by the agency in each instance.
5. If no request has been made for nondisclosure to the customer, the customer who inquires shall be notified in writing as to the identity of the agency which requested the non-published information and the information released.

If there has been a request for nondisclosure within 25 working days after the expiration of any outstanding certification for nondisclosure, or any renewal of such certification, a customer who has previously inquired, at any time during the period of nondisclosure, whether his or her non-published information was released, shall automatically be notified in writing by the Utility that such information was released and which agency received this information.

(Continued)

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.37 RULE 37 – NON-PUBLISHED SERVICE – Continued

E. Exception for Health Officers

No notification shall ever be made to a customer that non-published information was released to an authorized public health agency provided the chief health officer or designated health officer from the agency certifies that disclosure to the customer could violate a client's or contact's right of privacy and confidentiality.

F. Retention of Records

All written documents pertaining to non-published service shall be retained by the telephone utilities for at least one year. When an agency requests that notice to the customer be withheld, the Utility shall retain the records involved for a period of not less than one year from the date on which the period of nondisclosure expires.

(Continued)

(To be inserted by utility)

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Decision No. 07-01-024

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.38 RULE 38 - RELEASE OF CREDIT INFORMATION
AND CALLING RECORDS*

A. Definitions

1. **Credit Information:** A customer's Credit Information is the information contained in the customer's utility account record, including but not limited to: account established date, "can-be-reached" number, name of employer, employer's address, customer's social security and/or driver's license number, billing name, location, or previous service. Not included in customer Credit Information for purposes of these Rules are: non-published customer information, or customer's name, address, and telephone number as listed in the telephone directory.
2. **Calling Records:** Calling Records are the records of calls made from a customer's telephone no matter how recorded and regardless of whether such information appears in the customer's monthly telephone service bill. Toll records and pen registers are examples of calling records.

B. Release of Customer Credit Information and Calling Records

A customer's Credit Information and/or Calling Records shall be released by a telephone utility only under the following circumstances:

1. Upon receipt of a search warrant obtained pursuant to California or federal law; or
2. Upon making return to a subpoena or subpoena duces tecum, when in fact authorized by a state or federal judge to divulge the information or records.
3. In the case of civil or administrative subpoenas, upon notifying the customer that a subpoena has been issued and affording that customer at-least ten days to move to quash the subpoena; or
4. Upon receiving permission of the customer to release the information.

*Per Decision No. 93361, this Rule shall not apply in instances involving the issuance of federal subpoenas which have not, in fact, been authorized by a federal judge or magistrate.

(Continued)

(To be inserted by utility)

Advice Letter No. 365

Decision No. 07-01-024

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Date Filed May 29, 2008

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.38 RULE 38 - RELEASE OF CREDIT INFORMATION
AND CALLING RECORDS* - Continued

C. Notification to the Customer

1. Except as provided below, the customer whose Credit Information or Calling Records are requested by the judicial subpoena or search warrant shall be notified by the Utility by telephone the same day that the subpoena or search warrant is received (only one attempt by telephone is necessary). Telephone notification, whether successful or not, shall be followed by written notification within twenty-four hours after the receipt of the subpoena or warrant.
2. Both oral and written notification shall state that a judicial subpoena or search warrant was received for Credit Information or Calling Records for the specified dates and telephone numbers, and provide the name of the agency making the request.

D. Deferral of Notification

1. Notification to the customer will be deferred, and no disclosure made for a period of ninety days if there is a certification for nondisclosure in the body of a subpoena or search warrant. The certification for nondisclosure must contain a statement that there is probable cause to believe notification to the customer would impede the investigation of an offense pursuant to which the subpoena or warrant was issued. Upon making return to the court to a subpoena, the telephone utility shall request instruction from the court whether it should notify customer of its receipt of the subpoena before divulging the information or records requested.
2. The ninety-day period can be extended for successive ninety-day periods upon a new written certification in each instance that there is probable cause to believe notification to the customer would impede the investigation of an offense pursuant to which the subpoena or warrant was issued.

*Per Decision No. 93361, this Rule shall not apply in instances involving the issuance of federal subpoenas which have not, in fact, been authorized by a federal judge or magistrate.

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A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.38 RULE 38 - RELEASE OF CREDIT INFORMATION
AND CALLING RECORDS* - Continued

3. Successive new written certifications shall be made by the individual who procured the issuance of the subpoena or warrant or, if that person is unavailable, by another member of the authorized agency who also certifies that he or she has been assigned to handle the matter for which the Credit Information or Calling Records has been obtained.
4. Within five working days of the expiration of any outstanding certification, or any renewal of such certification, the deferred notification shall be given in writing to the customer in accordance with 2.1.38.C. preceding.

E. Exception to Procedure for Release or Credit and Calling Records

The procedure set forth above does not apply where the requester is a collection agency working for the Utility on the customer's account or is an independent telephone company or Bell Company.

F. Retention or Records

Records of requests for Credit Information and Calling Records, other than from a utility's employees, shall be retained for a period of at least one year from the date on which the customer is notified in writing of the request. A copy of the letter of notification which was sent to the customer shall also be retained for a like period of one year.

*Per Decision No. 93361, this Rule shall not apply in instances involving the issuance of federal subpoenas which have not, in fact, been authorized by a federal judge or magistrate.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

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Effective August 4, 2008

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