

**PROJECT NO. 25717**

<b>PETITION OF SOUTHWESTERN</b>	<b>§</b>	
<b>BELL TELEPHONE L.L.P. FOR</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>RULEMAKING REGARDING</b>	<b>§</b>	
<b>RELEASE OF SUBSRIBER LIST</b>	<b>§</b>	<b>OF TEXAS</b>
<b>INFORMATION TO 9-1-1</b>	<b>§</b>	
<b>ADMINISTRATIVE ENTITIES</b>	<b>§</b>	

**ORDER DENYING PETITION FOR RULEMAKING**

This Order denies the petition for rulemaking and clarifies that certificated telecommunications utilities (CTUs) are authorized to release Subscriber List Information (SLI) of its customers to applicable 9-1-1 entities. This order further clarifies that any CTU designated to maintain the 9-1-1 database with accurate and timely current information for all published, nonpublished, and nonlisted information associated with its customers for the purposes of emergency or E911 services is also authorized to release SLI of its customers as well as any customer of other CTUs in its 9-1-1 database.

On April 10, 2002, the Commission received a petition to initiate a rulemaking. The Petitioner is Southwestern Bell Telephone, L.L.P., d/b/a Southwestern Bell Telephone Company (SWBT). Under the Administrative Procedure Act, TEX. GOV'T CODE § 2001.021, the Commission shall either deny the petition in writing, stating its reasons for denial, or initiate a rulemaking proceeding not later than the 60<sup>th</sup> day after the date the petition is filed (in this instance, not later than June 9, 2002).

Petitioner proposes a rule regarding release of subscriber list information to the 9-1-1 administrative entities. Petitioner states that its rulemaking petition arises from a request by a 9-1-1 district for Petitioner to release automatic location information (ALI) and/or automatic number information (ANI) for subscribers and competitive local exchange carriers (CLECs) and ALI for all subscribers with non-published telephone numbers including those of CLECs in order for the district to create map addresses and “clean up” the database in an attempt to respond more

accurately to requests for emergency services. Petitioner states that permission from the subscriber to release such information is implied when the subscriber makes an emergency call. Petitioner alleges, however, that current laws, regulations and interconnection agreements prohibit its release of ALI and ANI to a 9-1-1 district without the permission of the subscriber's CLEC. Petitioner asserts that it may only release such information during a 'live' call whereby customer permission to release the information may be inferred.

According to Petitioners, the proposed rulemaking seeks to clarify that upon request by the 9-1-1 entity, the 9-1-1 database management service providers may release to the requesting 9-1-1 entities, ALI and ANI for CLEC subscribers of published telephone numbers and all subscribers with non-published numbers in order to respond accurately to requests for emergency services.

On May 17, 2002, opposing comments were filed by the Commission on State Emergency Communications (CSEC) and Emergency Communication Districts, (collectively the Texas 9-1-1 Agencies), Intrado, Inc., Worldcom, and the Office of Public Utility Counsel (OPUC).

Having considered the petition and the comments, and for the reasons set out below, the Commission denies the petition for rulemaking and clarifies that existing applicable federal and state laws and regulations already address that all of the 9-1-1 database must be provided to the 9-1-1 entities in order to deliver and assist in the delivery of emergency services.

The applicable authorities include P.U.C. SUBST. R. 26.272(e)(1)(B)(ii) which provides that each interconnecting CTU is responsible for providing accurate, timely, and current information for all published, nonpublished, and nonlisted information associated with its customers for the purposes of emergency or E-911 services to the local authority and the CTU designated to maintain the 9-1-1 database. This information is not limited to ALI and ANI, as posited by Petitioner, but also includes the calling customer name, physical location, appropriate emergency service providers, and other similar data. Additionally, 47 U.S.C. § 222 requires this information to be provided to the providers of emergency support services. These provisions are

not as narrow as Petitioner's assertions that the Texas 9-1-1 Agencies are limited to using the 9-1-1 database information only for a 'live' 9-1-1 call.

In response to the comments citing confidentiality concerns, TEX. HEALTH & SAFETY CODE §771.061 provides that a governmental entity or third party providing 9-1-1 services must maintain the confidentiality and non-public disclosure of the 9-1-1 database information. Therefore, the 9-1-1 entities are already prohibited from disclosing this information to the public by law.

### **Ordering Paragraph**

The Commission DENIES the petition for rulemaking and finds that P.U.C. SUBST. R. 26.272 authorizes CTUs, including any CTU designated to maintain the 9-1-1 database to release SLI customer information to the requesting 9-1-1 entity in order to ensure accurate and complete database information for the provision of emergency services.

**SIGNED AT AUSTIN, TEXAS the 10th day of June 2002.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**REBECCA KLEIN, CHAIRMAN**

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**BRETT A. PERLMAN, COMMISSIONER**