

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 does not 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 must 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, except commercial mobile radio service providers, must 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 must 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 must 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.
 - (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

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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 must 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 must report such failure to the commission by contacting the commission liaison to the panel. A reasonable effort must 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 must inform all of its telephone subscribers of how the subscriber can unblock a line equipped with per-line blocking.
 - (5) **Filing of caller ID materials.** A provider of caller ID services must file all caller ID materials in Project 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).