

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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SECRETARY OF STATE

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THE RULES GOVERNING THE COLLECTION)
AND DISCLOSURE OF PERSONAL)
INFORMATION OBTAINED BY PUBLIC)
UTILITIES, 4 CODE OF COLORADO)
REGULATIONS 723-7, PROPOSED NEW RULE)
5.6, CONCERNING BLOCKING OF LAST CALL)
RETURN CUSTOM LOCAL AREA SIGNALING)
SERVICE FEATURE.)

DOCKET NO. 92R-249T

**COMMISSION ORDER GIVING NOTICE OF PROPOSED RULEMAKING
CONCERNING LAST CALL RETURN; and NOTICE OF RULEMAKING
HEARING FOR JUNE 19, 1992 AT 9 A.M.**

Adopted date: April 29, 1992

The Colorado Public Utilities commission ("PUC" or "commission") hereby gives notice of proposed rulemaking for new Rule 5.6, entitled "blocking of last call return," in the Commission's "privacy rules," the Rules Governing The Collection And Disclosure Of Personal Information Obtained By Public Utilities, 4 Code Of Colorado Regulations 723-7.

Last Call Return is a custom local area signaling service, one of a series of call management features proposed by U S West Communications, Inc. ("U S West") in Docket No. 91S-548T. In Decision No. C92-566, the Colorado PUC will approve all the proposed call management features proposed by U S West in Docket No. 91S-548T -- caller identification (number only); caller identification (name and number); call rejection; continuous redial; per line blocking; priority call; selective call forwarding -- but did not

approve last call return. We institute this rulemaking in order to secure the basis to also approve last call return.

U S West, in the tariff sheets attached to Advice Letter No. 2211 in Docket No. 91S-548T, describes its last call return feature as follows:

Last call return

Allows a customer to dial a code that will cause the feature to automatically redial the number of the last incoming call to that line, whether the call was answered or not. The customer does not have to know the number of the calling party. If the called number is busy, the feature will redial the called number for a limited period of time. A tone alerts the customer when the called line is available.

The commission hereby takes administrative notice of all matters filed in consolidated docket numbers: (1) Docket No. 91A-462T, Caller ID and other custom local area signaling services, waiver application of Privacy Rule 5; (2) Docket No. 91S-548T, Caller ID and other custom local area signaling services, Advice Letter No. 2211, suspended tariff filing; and, (3) Docket No. 92S-040T, Call Trace custom local area signaling service, Advice Letter No. 2235, suspended tariff filing. The decision approving Caller ID and Call Trace is Decision No. C92-566, issued today, April 30, 1992 (hereinafter, the three dockets will be referred to collectively as "Caller ID dockets.")

At the rulemaking hearings on the Caller ID dockets, the commission heard testimony from the Colorado Domestic Violence Coalition, and the City and County of Denver, expressing concern about the danger of last call return as presently designed. Last call return automatically redials numbers sent as "private" (blocked) calls. Thus, a criminal could redial an undercover policeman's number, and an abusing spouse could redial a safe house -- even if the police and safe house victim took the care to send the call as a private call. John Scott, U S West's witness at the hearing, stated that U S West does not have the software technology to stop last call return from redialing blocked calls at

present. He stated, however, that the technology should be available within 18 months, or sooner.

We believe that last call return should not be allowed until blocked calls cannot be redialed. When this technological problem is addressed, the commission may approve last call return, but the potential danger of last call return, as presently configured, outweighs its benefits.

Therefore, the Colorado Public Utilities Commission proposes the rule, attached to this notice of proposed rulemaking as Appendix "1" concerning last call return.

The commission will file a notice of these proposed rules with the Office of Regulatory Reform during April 1992, because they may affect small businesses. The commission will send the notice of proposed rule-making to the Secretary of State, who will publish the notice in the Colorado Register on or about May 10, 1992. See Colorado Revised Statutes § 24-4-103.5 (1988 Repl. Vol.10A) (requiring 10-days advance notice to the office of regulatory reform); Colorado Revised Statutes § 24-4-103(3)(a) (1988 Repl. Vol.10A) (requiring a minimum of 20-days notice of hearing after publication by the secretary of state). The commission will conduct public hearings on the proposed new Rule 5.6 of the privacy rules on Friday June 19, 1992 commencing at 9:00 o'clock a.m.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Executive Secretary of the Colorado Public Utilities Commission shall file with the Colorado Secretary of State the necessary documents to allow for notice of the new Rule 5.6, entitled "blocking of last call return," in the Commission's Rules Governing The Collection And Disclosure Of Personal Information Obtained By Public Utilities, 4 Code Of Colorado Regulations 723-7. to be published in the Colorado Register on May 10, 1992.

2. The commission will conduct public hearings on the proposed rules as follows:

Date: Friday June 19, 1992.

Time: 9:00 o'clock a.m.

Place: Colorado Public Utilities Commission
Logan Tower
1580 Logan Street, Office Level 2
Commission Hearing Room "A"
Denver, Colorado 80203

3. All parties wishing to participate in this docket may file an Entry of Appearance to be on the commission's official mailing list, and shall do so by June 1, 1992. It is not necessary to petition to intervene. This notice of proposed rulemaking will be sent to all parties in (1) Docket No. 91A-462T, Caller ID and other custom local area signaling services, waiver application of Privacy Rule 5; (2) Docket No. 91S-548T, Caller ID and other custom local area signaling services, Advice Letter No. 2211, suspended tariff filing; and, (3) Docket No. 92S-040T, Call Trace custom local area signaling service, Advice Letter No. 2235, suspended tariff filing. This parties need not file petitions to intervene; they are automatically parties in this rulemaking.

4. Initial comments on the proposed rules shall be filed on or before Friday June 5, 1992.

ADOPTED IN OPEN MEETING ON April 29, 1992.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Bruce N. Smith
Executive Secretary
and Division Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ARNOLD H. COOK

GARY L. NAKARADO

CHRISTINE E. M. ALVAREZ

Commissioners

CR15-866

THE RULES GOVERNING THE COLLECTION AND DISCLOSURE
OF PERSONAL INFORMATION OBTAINED BY PUBLIC UTILITIES,
4 CODE OF COLORADO REGULATIONS 723-7.

Rule 5.6 Last Call Return

Any public utility, or other telecommunications services provider, offering a last call return service, or offering any comparable service which allows a customer to dial a code that will cause the feature to automatically redial the number of the last incoming call to that line, including a feature which automatically redials the number of the last incoming call to that line whether the call was answered or not, shall offer per call blocking and per line blocking as services available to customers, and shall prevent last call return-type features from making automatic redial of blocked calls.