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(Decision No. C92-1303)

BEFORE THE PUBLIC UTILITIES COMMISSION{PRIVATE }
OF THE STATE OF COLORADO

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{PRIVATE }IN THE MATTER OF THE)
APPLICATION OF U S WEST)
COMMUNICATIONS, INC., FOR WAIVERS OF)
RULE 5 OF THE COMMISSION'S RULES FOR)
COLLECTION AND DISCLOSURE OF) DOCKET NO. 91A-462T
PERSONAL INFORMATION OBTAINED BY)
PUBLIC UTILITIES, 4 CODE OF COLORADO)
REGULATIONS 723-7, TO PERMIT THE)
OFFERING OF CALLER IDENTIFICATION)
SERVICE.)

IN THE MATTER OF THE APPLICATION OF U S)
WEST COMMUNICATIONS, INC.'S ADVICE)
LETTER NO. 2211 CONCERNING CUSTOM) DOCKET NO. 91S-548T
LOCAL AREA SIGNALING SERVICES.)
)

IN THE MATTER OF THE APPLICATION OF U S)
WEST COMMUNICATIONS, INC.'S ADVICE)
LETTER NO. 2235 CONCERNING THE "CALL) DOCKET NO. 92S-040T
TRACE" CUSTOM LOCAL AREA SIGNALING)
SERVICE.)

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**COMMISSION FINAL ORDER APPROVING COMPROMISE PROPOSAL
AS MODIFICATION TO DECISION NO. C92-566.**

Mailing date: October 16, 1992
Adopted date: October 14, 1992

This matter came on for hearing before the en banc Colorado Public Utilities Commission ("commission") on August 19, 1992. The commission held the hearing to review the

applications for rehearing, reargument, or reconsideration, of Decision No. C92-566¹ filed by the Colorado Municipal League; the Colorado Office of Consumer Counsel; U S West Communications, Inc.; and the Colorado Domestic Violence Coalition. The commission allowed the parties to file briefs in advance of the hearing, not only on the applications for rehearing, reargument, or reconsideration, but also on the "compromise proposal"² reached among the following parties in these dockets -- U S West Communications, Inc. ("U S West"), the Staff of the Colorado Public Utilities Commission ("Staff"); and the Colorado Office of Consumer Counsel ("OCC").

We accept the Compromise Proposal as a modification to our original decision, Decision No. C92-566. The two documents, when read together, protect privacy rights in a reasonable balance with the benefits of new technology. In the matters expressly mentioned in the Compromise Proposal, for example pricing of various new services such as Call Trace, the Compromise Proposal controls. In matters not expressly mentioned in the Compromise, Decision No. C92-566 controls.

To address a few specific items, we find, as pointed out by the Colorado Domestic Violence Coalition in its application for rehearing, reargument, or reconsideration, that the record contains U S West testimony indicating that the technology for "per-call enabling" (unblocking with

¹ The decision at issue is Decision No. C92-566 (released May 21, 1992), in which the Colorado Public Utilities Commission ("commission") approved U S West's custom local area signaling services, including the controversial caller identification proposal known as Caller ID.

² U S West attached the compromise proposal as Exhibit "A" to its Motion to Include Omitted Pages and Exhibit, filed on July 16, 1992. We will refer to it as "Compromise" or "Compromise Proposal." It is attached as the appendix to this Decision.

the same code as per-call blocking) is possible.³ We emphasize that per-call enabling should be a custom local area signaling service feature in Colorado at the earliest possible time, but that it should have a different code than per-call blocking.

Finally, when the last call return feature is perfected, U S West shall file a tariff and advice letter for its approval. The commission will act on the last call return filing expeditiously. Other than these few items, we think the compromise proposal correctly states our position.

Items that remain unchanged from our original decision, Decision No. C92-566, include:

1. U S West is still required to develop and offer a "block-the-blocker" feature, a feature which will refuse to accept a blocked incoming call.
2. U S West is still required to develop and offer, as expeditiously as possible, per-call unblocking for customers with per-line blocking ("per-call enabling"). Per-call enabling shall use a different activation code than the "*67" code for per-call blocking.
U S West shall inform the Colorado Public Utilities Commission of the specifics of the per-call enabling feature, including its progress in developing this feature. U S West shall seek commission approval for the addition of this service, per-call unblocking for customers with per-line blocking, to the tariff, at no additional charge.
3. Per-call blocking will be offered without charge to all customers.

³ Testimony of Mr. Scott at p. 177. That testimony makes clear that what U S West does not have is ability to use a different code. Decision No. 92-06-065 of the California Public Utilities Commission at footnote 20 on page 36 indicates that technology to allow a different code is or soon will be available, and that is the service California means when it refers to "per-call enabling".

4. Custom local area signaling services will not be offered to Centron customers until custom local area signaling services are available to private branch exchange customers.
5. U S West may offer the custom local area signaling services to business customers with a money-back guarantee.

Although we do not intend either the list above or the list below to be exhaustive, items that differ from our original decision, Decision No. C92-566, include:

1. U S West is authorized to offer the custom local area signaling services on a permanent, not trial, basis.
2. U S West will offer per-line blocking for all customers, and for all new customers, at no charge for a 90-day period, instead of the 6-month period in our original decision.
3. Per-line blocking will be offered to unlisted customers (both non-listed and non-published customers) on the same basis as all other customers, except that non-published customers will receive the educational notice all customers will receive regarding per-line blocking, and will also receive a notice separate from their regular telephone bills which will specifically address their status as non-published customers.
4. U S West will offer Call Trace on a simplified basis, with a \$1 per-activation charge for all activations, with no minimum number of activations necessary before a deterrent letter is sent or law enforcement is contacted, and no additional charge for such actions.
5. U S West will offer per-line blocking (after the 90-day no charge window period) on an ongoing basis to all existing and new customers for a non-recurring, one-time charge of \$8 per line, instead of a monthly recurring charge. There will be no charge to remove line blocking.

THEREFORE THE COMMISSION ORDERS THAT:

1. The commission hereby modifies Decision No. C92-566 (released May 22, 1992), to conform with those matters expressly mentioned in the Compromise Proposal (attached as the Appendix to this decision). In all other respects, Decision No. C92-566 remains unchanged.
2. The applications for rehearing, reargument, or reconsideration filed by the Colorado Municipal League; the Colorado Office of Consumer Counsel; U S West Communications, Inc.; and the Colorado Domestic Violence Coalition, are hereby denied.
3. The 20-day time period provided in Colorado Revised Statutes § 40-6-114(1) (1992 Cum.Supp. Vol.17) to file an application with the Commission for rehearing, reargument, or reconsideration of this Decision, begins on the day after the release date (mailing date) of this Decision.
4. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING October 14, 1992

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

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{PRIVATE }Appendix to Decision No. C92-1303:

**COMMISSION FINAL ORDER APPROVING COMPROMISE PROPOSAL
AS MODIFICATION TO DECISION NO. C92-566.**

IN THE MATTER OF THE APPLICATION OF U S WEST COMMUNICATIONS, INC.,
FOR WAIVERS OF RULE 5 OF THE COMMISSION'S RULES FOR COLLECTION AND
DISCLOSURE OF PERSONAL INFORMATION OBTAINED BY PUBLIC UTILITIES, 4
CODE OF COLORADO REGULATIONS 723-7, TO PERMIT THE OFFERING OF
CALLER IDENTIFICATION SERVICE.

DOCKET NO. 91A-462T

IN THE MATTER OF THE APPLICATION OF U S WEST COMMUNICATIONS, INC.'S
ADVICE LETTER NO. 2211 CONCERNING CUSTOM LOCAL AREA SIGNALING
SERVICES.

DOCKET NO. 91S-548T

IN THE MATTER OF THE APPLICATION OF U S WEST COMMUNICATIONS, INC.'S
ADVICE LETTER NO. 2235 CONCERNING THE "CALL TRACE" CUSTOM LOCAL
AREA SIGNALING SERVICE.

DOCKET NO. 92S-040T

Mailing Date: October 16, 1992

Adopted Date: October 14, 1992

U S WEST Communications Compromise Proposal
Exhibit "A" to its Motion to Include Omitted Pages and Exhibit
Filed on July 16, 1992

Referred to here as "Compromise" or "Compromise Proposal."