

No. 1993-83

AN ACT

SB 860

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for dissemination of telephone numbers and other identifying information.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 2906. Dissemination of telephone numbers and other identifying information.

(a) General rule.—Notwithstanding any other provision of law, but subject to the provisions of this title, any telephone call identification service offered in this Commonwealth by a public utility or by any other person, partnership, association or corporation that makes use of the facilities of a public utility shall be lawful if it allows a caller to withhold display of the caller's telephone number and other identifying information on both a per-call and per-line basis from the telephone instrument of the individual receiving the telephone call.

(b) Charge prohibited.—There shall be no charge to the caller who requests that the caller's telephone number and other identifying information be withheld on a per-call basis. The commission may approve a charge to the caller who requests that the caller's telephone number and other identifying information be withheld on a per-line basis if the commission finds, after notice to all customers and an opportunity for hearing, that the charge is just and reasonable and that the charge should be imposed on the caller. Tariff rates shall not apply to victims of domestic violence receiving services from a domestic violence program or protected by a court order nor to social welfare agencies, such as women's shelters, health and counseling centers, public service hotlines and their staffs. In addition, the commission shall direct that the tariff rates shall not apply to customers who order the per-line blocking service within 60 days of its introduction or within 60 days of any request for new telephone service or transfer of existing telephone service. The commission shall also direct that, as soon as practicable, any public utility or any other person, partnership, association or corporation that makes use of the facilities of a public utility which provides this service shall also provide to the calling party only the ability to selectively unblock at no charge on a per-call basis a blocked line using a means which differs from the means to activate per-call blocking.

The commission, in the interest of balancing respective privacy interests, shall also permit a tariffed service that automatically prevents the completion of telephone calls to customers who do not wish to receive calls from callers that withhold their telephone number or other identifying information; the terms and conditions of such a tariff shall be subject to commission approval.

(c) Notice.—A public utility offering a call identification service shall notify its subscribers that their calls may be identified to a called party at least 60 days before the service is offered and shall clearly advise its subscribers of their ability to withhold their telephone number and other identifying information on both a per-call and a per-line basis. The form of the required notices must be approved by the commission.

(d) Exceptions.—Notwithstanding any other provision of law, but subject to the provisions of this title, provision of any of the following caller identification services shall be lawful even if the caller cannot withhold display of the caller's telephone number and other identifying information from the instrument of the individual receiving the telephone call:

(1) An identification service which is used within the same limited system, including a Centrex or private branch exchange (PBX) system, as the recipient telephone.

(2) An identification service which is used on a public agency's emergency telephone line or on the line which receives the primary emergency telephone number 911.

(3) An identification service provided in connection with any "800" or "900" access code telephone service until the public utility develops the technical capability to comply with subsection (a), as determined by the commission. Until such capability is developed, telephone subscribers shall be notified annually by the public utility that use of an "800" or "900" number may result in the disclosure of the subscriber's telephone number or other identifying information to the called party.

(4) An identification service for which the identification information is a necessary component of the communication being conveyed and for which, without such information, the called party would not reasonably be able to act upon or otherwise use the other portions of the communication. This exception is intended to cover services, such as health alert, home monitoring and other similar telemetry services.

Section 2. This act shall take effect immediately.

APPROVED—The 22nd day of December, A.D. 1993.

ROBERT P. CASEY