

(c)(1) No telecommunications service provider or authorized billing and collection agent of a telecommunications service provider shall use billing name and address information for any purpose other than the following:

(i) Billing customers for using telecommunications services of that service provider and collecting amounts due;

(ii) Any purpose associated with the “equal access” requirement of *United States v. AT&T* 552 F.Supp. 131 (D.D.C. 1982); and

(iii) Verification of service orders of new customers, identification of customers who have moved to a new address, fraud prevention, and similar nonmarketing purposes.

(2) In no case shall any telecommunications service provider or authorized billing and collection agent of a telecommunications service provider disclose the billing name and address information of any subscriber to any third party, except that a telecommunications service provider may disclose billing name and address information to its authorized billing and collection agent.

(d) [Reserved]

(e)(1) All local exchange carriers providing billing name and address information shall notify their subscribers that:

(i) The subscriber’s billing name and address will be disclosed, pursuant to Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards, CC Docket No. 91–115, FCC 93–254, adopted May 13, 1993, whenever the subscriber uses a LEC joint use card to pay for services obtained from the telecommunications service provider, and

(ii) The subscriber’s billing name and address will be disclosed, pursuant to Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards, CC Docket No. 91–115, FCC 93–254, adopted May 13, 1993, whenever the subscriber accepts a third party or collect call to a telephone station provided by the LEC to the subscriber.

(2) In addition to the notification specified in paragraph (e)(1) of this section, all local exchange carriers providing billing name and address informa-

tion shall notify their subscribers with unlisted or nonpublished telephone numbers that:

(i) Customers have a right to request that their BNA not be disclosed, and that customers may prevent BNA disclosure for third party and collect calls as well as calling card calls;

(ii) LECs will presume that unlisted and nonpublished end users consent to disclosure and use of their BNA if customers do not affirmatively request that their BNA not be disclosed; and

(iii) The presumption in favor of consent for disclosure will begin 30 days after customers receive notice.

(3) No local exchange carrier shall disclose the billing name and address information associated with any calling card call made by any subscriber who has affirmatively withheld consent for disclosure of BNA information, or for any third party or collect call charged to any subscriber who has affirmatively withheld consent for disclosure of BNA information.

[53 FR 36145, July 6, 1993, as amended at 58 FR 65671, Dec. 16, 1993; 61 FR 8880, Mar. 6, 1996]

## Subpart M—Provision of Payphone Service

### § 64.1300 Payphone compensation obligation.

(a) Except as provided herein, every carrier to whom a completed call from a payphone is routed shall compensate the payphone service provider for the call at a rate agreed upon by the parties by contract.

(b) The compensation obligation set forth herein shall not apply to calls to emergency numbers, calls by hearing disabled persons to a telecommunications relay service or local calls for which the caller has made the required coin deposit.

(c) In the absence of an agreement as required by paragraph (a) of this section, the carrier obligated to compensate the payphone service provider shall do so at a per-call rate equal to its local coin rate at the payphone in question.

(d) For the initial one-year period during which carriers are required to pay per-call compensation, in the absence of an agreement as required by

paragraph (a) of this section, the carrier is obligated to compensate the payphone service provider at a per-call rate of \$.35 per call. After this initial one-year period of per-call compensation, paragraph (c) of this section will apply.

[61 FR 52324, Oct. 7, 1996]

EFFECTIVE DATE NOTE: At 61 FR 52324, Oct. 7, 1996, § 64.1300 was added, effective Oct. 7, 1997

**§ 64.1301 Payphone compensation.**

(a) Each payphone service provider eligible to receive compensation shall be paid \$45.85 per payphone per month for originating access code and toll-free calls.

(b) This compensation shall be paid by interexchange carriers (IXCs) that earn annual toll revenues in excess of \$100 million, as reported in the FCC staff report entitled "Long Distance Market Shares." Each individual IXC's compensation obligation shall be set in accordance with its relative share of toll revenues among IXCs required to pay compensation. For example, if total toll revenues of IXCs required to pay compensation is \$50 billion, and one of these IXCs had \$5 billion of total toll revenues, the IXC must pay \$4.585 per payphone per month.

(c) Initial compensation obligations are set forth in Appendix B of the Commission's Second Report and Order in CC Docket No. 91-35, released May 8, 1992. Compensation obligations shall be adjusted periodically if the operational status of any eligible IXC changes or in accordance with revised toll revenue data. In either such event, the Common Carrier Bureau shall issue a public notice showing the revised compensation obligations. These revised obligations shall become effective on the date specified in the public notice.

(d) IXCs obligated to pay compensation and payphone service providers are responsible for establishing their own billing or payment arrangements.

(e) LECs shall provide IXCs paying compensation under paragraphs (b) and (c) of this section with a list each quarter of all telephone lines receiving customer-owned coin-operated telephone (COCOT) service in the LEC's region as of the date the list was generated.

(f) A competitive payphone owner (PPO) that seeks compensation for competitive payphones that are not included on a LEC COCOT list satisfies its obligation to provide alternative reasonable verification to an IXC if it provides to that IXC:

(1) A notarized affidavit, signed by the president of the company, attesting that each of the payphones for which the PPO seeks compensation is a competitive payphone that was in working order as of the last day of the compensation period; and

(2) Corroborating evidence that each such payphone is owned by the PPO seeking compensation and was in working order on the last day of the compensation period. Corroborating evidence shall include, at a minimum, the telephone bill for the last month of the billing quarter indicating use of a line screening service.

[57 FR 21040, May 18, 1992, as amended at 58 FR 57750, Oct. 27, 1993; 60 FR 49234, Sept. 22, 1995; 61 FR 52323, Oct. 7, 1996; 61 FR 54345, Oct. 18, 1996]

EFFECTIVE DATE NOTE: At 61 FR 52324, Oct. 7, 1996, § 64.1301 was removed, effective Oct. 7, 1997.

**§ 64.1310 Payphone compensation payment procedures.**

(a) It is the responsibility of each carrier to whom a compensable call from a payphone is routed to track, or arrange for the tracking of, each such call so that it may accurately compute the compensation required by Section 64.1300(a).

(b) Carriers and payphone service providers shall establish arrangements for the billing and collection of compensation for calls subject to Section 64.1300(a).

(c) Local Exchange Carriers must provide to carriers required to pay compensation pursuant to Section 64.1300(a) a list of payphone numbers in their service areas. The list must be provided on a quarterly basis. Local Exchange Carriers must verify disputed numbers in a timely manner, and must maintain verification data for 18 months after close of the compensation period.

(d) Local Exchange Carriers must respond to all carrier requests for