



### Part 64: Miscellaneous Rules Relating to Common Carriers

Part 64 of the CFR includes rules concerning a variety of topics ranging from expanded interconnection, telecommunications services for individuals with hearing and speech disabilities (including the Telecommunications Relay Service (TRS) fund, which NECA administered until 2011), payphone compensation, “slamming,” common carrier filing requirements, cost allocation manuals, prepaid calling cards, Communications Assistance for Law Enforcement (CALEA), customer account record exchange, restrictions on telemarketing and telephone solicitation, and rural call completion reporting

The following sections are of particular interest to NECA:

- **Subpart F covers TRS** and related CPE for people with disabilities. The Americans with Disabilities Act of 1990 requires the Commission to ensure that interstate and intrastate telecommunications relay services (TRS) are available to individuals with hearing and speech disabilities. Part F requires each common carrier providing telephone voice services to provide telecommunications relay services (TRS) throughout the area in which it offers services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. Interstate Spanish language relay service shall be provided. Speech-to-speech relay service also shall be provided, except that speech-to-speech relay service need not be provided by IP Relay providers, VRS providers, captioned TRS providers, and IP CTS providers. In addition, each common carrier providing telephone voice transmission services shall provide access via the 711 dialing code to all relay services as a toll free call. In 2007, the Commission extended the disability access requirements of §§ 225 and 255 of the Act to interconnected VoIP services and manufacturers of specially designed equipment used to provide these services.
- **Subpart I covers cost allocation between regulated and non-regulated services.** The Commission’s rules for some time have forbidden carriers from “cross-subsidizing” non-regulated activities with revenues from regulated services or from allocating costs of non-regulated operations to regulated operations. This is consistent with section 254(k) of the 1996 Telecommunications Act, which prohibits carriers from subsidizing competitive services with non-competitive services, and directed the Commission, with respect to interstate services, to establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that carriers do not misallocate costs of nonregulated activities and to ensure proper allocation of joint and common costs for facilities used to provide universal services.

This rule section also requires Class A large ILECs to file Cost Allocation Manuals (CAMs) describing how they separate regulated from nonregulated costs. Pursuant to an

FCC Order, NECA also annually files a cost accounting and procedures manual, which provides assurance that cost recovery associated with NECA's administration of the FCC's access charge plan does not subsidize any other activities.

- **Subpart K covers changes to customers' long-distance providers**, including rules against "slamming."
- **Subpart N covers expanded interconnection.** In 1992, the Commission issued its Special Access Expanded Interconnection Order, which required Tier 1 LECs to file tariffs offering interstate special access collocation to competitive access providers upon receipt of a bona fide request, enabling the interconnector to locate its own special access transmission equipment in a segregated portion of a LEC's central office. A year later, the Commission included switched transport in its expanded interconnection requirements. In 1996, the Commission adopted new interconnection rules, designated as Part 51, requiring one telecommunications carrier to provide access to its network elements to another telecommunications carrier when requested.
- **Subpart P covers Calling Party Telephone Number (CPN) information and privacy.** It requires telecommunications carriers and providers of interconnected VoIP, in originating interstate or intrastate traffic on the PSTN or originating interstate or intrastate traffic that is destined for the PSTN, to transmit the telephone number received from or assigned to or otherwise associated with the calling party to the next provider in the path from the originating provider to the terminating provider. This provision applies regardless of the voice call signaling and transmission technology used by the carrier or VoIP provider. Intermediate providers within an interstate or intrastate call path that originate and/or terminate on the PSTN must pass unaltered to subsequent providers in the call path signaling information identifying the telephone number, or billing number, if different, of the calling party that is received with a call. Paragraph (b) of this section shall not apply when CPN delivery is made in connection with a threatening call.
- **Subpart R covers geographic rate averaging and rate integration.** To implement Section 254(g) of the Act, the Commission requires interexchange carriers (IXCs) to charge rates to subscribers in rural and high-cost areas that are no higher than the rates charged by each such provider to its subscribers in urban areas, and to charge rates in each U.S. state that are no higher than the rates charged in any other state. This "geographic rate averaging" rule has traditionally been important to rural consumers who might otherwise pay higher rates for toll calls. In light of the Commission's actions to detariff interstate, domestic, interexchange services, and recognizing that carriers operating in competitive markets would not necessarily maintain geographically averaged and integrated rates, the Commission directed IXCs to file annual certification stating they were in compliance with their statutory obligations
- **Subpart T requires ILECs to provide in-region, interstate domestic or international interexchange service through a separate affiliate.**

- **Subpart U covers Customer Proprietary Network Information (CPNI)** and implements section 222 of the Communications Act of 1934, as amended. This Part contains rules for how carriers may use, disclose, or permit access to CPNI. CPNI includes information such as the phone numbers called by a consumer; the frequency, duration, and timing of such calls; and any services purchased by the consumer. It includes highly-sensitive personal information about a carrier’s customers, but does not include any information about customers, such as name, address, or phone number. In 2002, the Commission amended its rules regarding how telecommunications companies can share and market CPNI. The Order states that use of CPNI by carriers or disclosure to their affiliated entities providing communications-related services, including as third-party agents or joint venture partners, requires a customer’s consent in the form of notice and “opt-out” approval. It also requires express customer consent, or “opt-in” approval, for disclosure of CPNI to unrelated third parties or to carrier affiliates that do not provide communications-related services. The Order also permitted carriers to use CPNI to market new product offerings within the carrier-customer service relationship, on the basis of the customer’s implied consent.
- **Subpart V contains the rules adopted in 2013 to address rural call completion problems**, which were adopted in 2013 and are based in large part on NECA, NTCA, and WTA advocacy and proposals. They require providers of long-distance voice services to record call attempts to rural areas, retain these records, and file a quarterly report with the Commission.
- **Subpart Y covers truth in billing requirements and unauthorized charges (cramming).**
- **Subpart FF covers inmate calling services.**

Part 64 also contains numerous “miscellaneous” rules, including rules relating to: “traffic damage” claims (Subpart A); furnishing of facilities to foreign governments (Subpart C); handling priority services in emergencies (Subpart D); recording devices (Subpart E); unsecured credit to candidates for federal office (subpart H); international settlements policy and waivers (Subpart J); telephone solicitation (Subpart L); dispute resolution regarding equipment standards (Subpart Q); and prohibitions on exclusive telecommunications contract (Subpart Z).