

§ 64.1

averaging and rate integration requirements.

Subpart T—Separate Affiliate Requirements for Incumbent Independent Local Exchange Carriers That Provide In-Region, Interstate Domestic Interexchange Services or In-Region International Interexchange Services

- 64.1901 Basis and purpose.
- 64.1902 Terms and definitions.
- 64.1903 Obligations of all incumbent independent local exchange carriers.

Subpart U—Customer Proprietary Network Information

- 64.2001 Basis and purpose.
- 64.2003 Definitions.
- 64.2005 Use of customer proprietary network information without customer approval.
- 64.2007 Approval required for use of customer proprietary network information.
- 64.2008 Notice required for use of customer proprietary network information.
- 64.2009 Safeguards required for use of customer proprietary network information.
- 64.2010 Safeguards on the disclosure of customer proprietary network information.
- 64.2011 Notification of customer proprietary network information security breaches.

Subpart V [Reserved]

Subpart W [Reserved]

Subpart X—Subscriber List Information

- 64.2301 Basis and purpose.
- 64.2305 Definitions.
- 64.2309 Provision of subscriber list information.
- 64.2313 Timely basis.
- 64.2317 Unbundled basis.
- 64.2321 Nondiscriminatory rates, terms, and conditions.
- 64.2325 Reasonable rates, terms, and conditions.
- 64.2329 Format.
- 64.2333 Burden of proof.
- 64.2337 Directory publishing purposes.
- 64.2341 Record keeping.
- 64.2345 Primary advertising classification.

Subpart Y—Truth-in-Billing Requirements for Common Carriers

- 64.2400 Purpose.
- 64.2401 Scope.

Subpart Z—Prohibition on Exclusive Telecommunications Contracts

- 64.2500 Prohibited agreements.
- 64.2501 Scope of limitation.

47 CFR Ch. I (10–1–07 Edition)

- 64.2502 Effect of state law or regulation.

Subpart AA—Universal Emergency Telephone Number

- 64.3000 Definitions.
- 64.3001 Obligation to transmit 911 calls.
- 64.3002 Transition to 911 as the universal emergency telephone number.
- 64.3003 Obligation for providing a permissive dialing period.
- 64.3004 Obligation for providing an intercept message.

Subpart BB—Restrictions on Unwanted Mobile Service Commercial Messages

- 64.3100 Restrictions on mobile service commercial messages.

Subpart CC—Customer Account Record Exchange Requirements

- 64.4000 Basis and purpose.
- 64.4001 Definitions.
- 64.4002 Notification obligations of LECs.
- 64.4003 Notification obligations of IXCs.
- 64.4004 Timeliness of required notifications.
- 64.4005 Unreasonable terms or conditions on the provision of customer account information.
- 64.4006 Limitations on use of customer account information.

Subpart DD—Prepaid Calling Card Providers

APPENDIX A TO PART 64—TELECOMMUNICATIONS SERVICE PRIORITY (TSP) SYSTEM FOR NATIONAL SECURITY EMERGENCY PREPAREDNESS (NSEP)

APPENDIX B TO PART 64—PRIORITY ACCESS SERVICE (PAS) FOR NATIONAL SECURITY AND EMERGENCY PREPAREDNESS (NSEP)

AUTHORITY: 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B),(c), Pub. L. 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 228, and 254 (k) unless otherwise noted.

SOURCE: 28 FR 13239, Dec. 5, 1963, unless otherwise noted.

Subpart A—Traffic Damage Claims

§ 64.1 Traffic damage claims.

(a) Each carrier engaged in furnishing radio-telegraph, wire-telegraph, or ocean-cable service shall maintain separate files for each damage claim of a traffic nature filed with the carrier, showing the name, address, and nature of business of the claimant, the basis for the claim, disposition made, and all correspondence, reports,

Federal Communications Commission

§ 64.301

and records pertaining thereto. Such files shall be preserved in accordance with existing rules of the Commission (part 42 of this chapter) and at points (one or more) to be specifically designated by each carrier.

(b) The aforementioned carriers shall make no payment as a result of any traffic damage claim if the amount of the payment would be in excess of the total amount collected by the carrier on the message or messages from which the claim arose unless such claim be presented to the carrier in writing signed by the claimant and setting forth the reason for the claim.

Subpart B—Restrictions on Indecent Telephone Message Services

§ 64.201 Restrictions on indecent telephone message services.

(a) It is a defense to prosecution for the provision of indecent communications under section 223(b)(2) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 223(b)(2), that the defendant has taken the action set forth in paragraph (a)(1) of this section and, in addition, has complied with the following: Taken one of the actions set forth in paragraphs (a)(2), (3), or (4) of this section to restrict access to prohibited communications to persons eighteen years of age or older, and has additionally complied with paragraph (a)(5) of this section, where applicable:

(1) Has notified the common carrier identified in section 223(c)(1) of the Act, in writing, that he or she is providing the kind of service described in section 223(b)(2) of the Act.

(2) Requires payment by credit card before transmission of the message; or

(3) Requires an authorized access or identification code before transmission of the message, and where the defendant has:

(i) Issued the code by mailing it to the applicant after reasonably ascertaining through receipt of a written application that the applicant is not under eighteen years of age; and

(ii) Established a procedure to cancel immediately the code of any person upon written, telephonic or other notice to the defendant's business office that such code has been lost, stolen, or

used by a person or persons under the age of eighteen, or that such code is no longer desired; or

(4) Scrambles the message using any technique that renders the audio unintelligible and incomprehensible to the calling party unless that party uses a descrambler; and,

(5) Where the defendant is a message sponsor subscriber to mass announcement services tariffed at this Commission and such defendant prior to the transmission of the message has requested in writing to the carrier providing the public announcement service that calls to this message service be subject to billing notification as an adult telephone message service.

(b) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication described in section 223(b) of the Act from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

[52 FR 17761, May 12, 1987, as amended at 55 FR 28916, July 16, 1990]

Subpart C—Furnishing of Facilities to Foreign Governments for International Communications

§ 64.301 Furnishing of facilities to foreign governments for international communications.

Common carriers by wire and radio shall, in accordance with section 201 of the Communications Act, furnish services and facilities for communications to any foreign government upon reasonable demand therefor: *Provided, however,* That, if a foreign government fails or refuses, upon reasonable demand, to furnish particular services and facilities to the United States Government for communications between the territory of that government and the United States or any other point,