

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

RECEIVED-FPSC

11 JAN 25 PM 1:49

COMMISSION  
CLERK

# Public Service Commission

January 25, 2011

110000-OT

Mr. Jeremy W. Lucas  
240 W. 60th Street  
Jacksonville, FL 32208

**Re: Request for incoming call logs from AT&T**

Dear Mr. Lucas:

We received your e-mail dated January 13, 2011, requesting further information on AT&T's authority to request a subpoena to provide a listing of incoming calls for your residential telephone. In your e-mail, you asserted that this information is necessary because of numerous calls you have received in violation of the requirements of the federal Fair Debt Collection Practices Act.

Your January 13, 2011, e-mail had the following attachments: (1) your first e-mail dated January 6, 2011, requesting information on AT&T's Tariff No. A3.22; and (2) staff's response to your request for information on AT&T's Tariff No. A3.22. In staff's response, staff attached a copy of AT&T's Tariff No. A3.22, noting that the tariff was silent on incoming calls. Staff also explained that this meant that AT&T does not have to provide a listing of incoming calls and the numbers from which the calls were made.

Please note that the Commission cannot give legal advice to utility customers. However, Chapter 364, Florida Statutes (F.S.) provides regulatory guidelines for telephone companies. Section 364.0252, F.S. provides in part that the Commission "shall assist customers in resolving any billing and service disputes that customers are unable to resolve directly with the company." Section 364.19, F.S. also authorizes the Commission to regulate the terms of telecommunications service contracts. However, Section 364.24, F.S. entitled *Penalty for making telephone message or customer account information known* provides limitations on the disclosure of telephone information without the customer's consent.

DOCUMENT NUMBER 110000-OT  
00568 JAN 25 11  
FPSC-COMMISSIONER

Mr. Jeremy W. Lucas

Page 2

January 25, 2011

Additionally, Section 364.24(2), F.S. outlines the statutory guidelines by which telecommunications companies can provide customer account records. Section 364.24(2), F.S. states in part:

“Any officer or person in the employ of any telecommunications company shall not intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order, other process of court, or as otherwise allowed by law.”

While you may be a customer of AT&T, the information requested is also that of other telecommunications service providers' customers. In general, pursuant to Section 364.24(2), F.S., AT&T and other telecommunications service providers may require a subpoena, court order, or other process of court prior to the disclosure of the customers' records. I have attached a copy of Section 364.24, F.S. for your information.

You can obtain additional information on debt collection practices in Florida by reviewing Chapter 559, F.S., or by contacting the Attorney General's office at 1-866-966-7226 or at <http://myfloridalegal.com>. Information regarding the National Do Not Call Registry and the Fair Debt Collection Practices Act is accessible from the Federal Trade Commission at 1-877-382-4357 or 1-888-382-1222 or at [www.ftc.gov](http://www.ftc.gov).

I can be contacted at (850) 413-6183 or by e-mail at [pevans@psc.state.fl.us](mailto:pevans@psc.state.fl.us) if you have any additional questions.

Sincerely,



Pauline E. Robinson Evans, Esq.  
Attorney  
Office of the General Counsel

Attachment

cc: Tracy W. Hatch, AT&T  
Mary Anne Helton, Deputy General Counsel  
Adam Teitzman, Attorney Supervisor  
Division of Regulatory Analysis (Ray Kennedy)  
Office of Commission Clerk



1 of 1 DOCUMENT

LexisNexis (R) Florida Annotated Statutes  
Copyright (c) 2010 by Matthew Bender & Company, Inc. a member of the LexisNexis Group.  
All rights reserved.

\*\*\* STATUTES AND CONSTITUTION ARE CURRENT THROUGH ACT 2010-282 OF THE 2010A SPECIAL  
SESSION AND THE NOVEMBER 2010 GENERAL ELECTION \*\*\*

\*\*\* Annotations current through Nov. 18, 2010 \*\*\*

TITLE 27. RAILROADS AND OTHER REGULATED UTILITIES (Chs. 350-368)  
CHAPTER 364. TELECOMMUNICATIONS COMPANIES  
PART I. GENERAL PROVISIONS

**GO TO FLORIDA STATUTES ARCHIVE DIRECTORY**

*Fla. Stat. § 364.24 (2010)*

§ 364.24. Penalty for making telephone message or customer account information known

(1) Except as otherwise deemed by law, any officer or person in the employ of any telecommunications company, or any person in charge of any office, exchange, or place where messages or communications are sent, received, or heard by telephone, who shall disclose or make known to any person other than the person to whom the telephone message or communication is directed, or his or her duly authorized agent, partner, clerk, or some member of his or her family, any part of the contents or substance of any message or communication sent, received, or heard by him or her, by telephone, by reason of the position he or she occupies or fills, without consent of the person sending or receiving such message or communication, commits a misdemeanor of the second degree, punishable as provided in *s. 775.082* or *s. 775.083*.

(2) Any officer or person in the employ of any telecommunications company shall not intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order, other process of court, or as otherwise allowed by law. Any person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in *s. 775.082* or *s. 775.083*. Nothing herein precludes disclosure of customers' names, addresses, or telephone numbers to the extent they are otherwise publicly available. Nothing herein precludes a telecommunications company from making available to its customers a customer's own customer account record through telephonic means.

**HISTORY:** S. 1, ch. 5210, 1903; GS 3730; RGS 5755; CGL 7985; s. 273, ch. 71-136; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 20, 32, ch. 80-36; s. 2, ch. 81-318; ss. 6, 7, ch. 89-163; ss. 26, 48, 49, ch. 90-244; s. 4, ch. 91-429; s. 548, ch. 95-148; s. 19, ch. 95-403; s. 4, ch. 99-354.

LexisNexis (R) Notes:

**OPINIONS OF ATTORNEY GENERAL**

1. The City of Lakeland is certified as an alternative local exchange telecommunications company, and when it acts in its capacity as a telecommunications company it is subject to and governed by Chapter 364, Florida Statutes, including *section 364.24, Florida Statutes*. AGO 1997-05, 1997 Fla. AG LEXIS 100.

2. *Section 119.07(3) (r), Florida Statutes (1996 Supp.)*, applies to telecommunications records of the City of Lakeland's telephone subscribers when such information is disclosed by the city in its capacity as a telecommunications company, and requires that such records be maintained as confidential by the recipient governmental agency. AGO 1997-05, 1997 Fla. AG LEXIS 100.

**LexisNexis 50 State Surveys, Legislation & Regulations**

Telecommunications & Telephones