

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of)	
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Petition of Chevrah Hatzalah Volunteer Ambulance)	Case No. 15-C-_____
Corps, Inc. for Limited Waiver to Allow Unblocking)	
of Caller ID Information for Calls to Its Emergency)	
Services Telephone Number)	
)	

**PETITION OF CHEVRAH HATZALAH VOLUNTEER AMBULANCE CORPS, INC.
FOR LIMITED WAIVER TO ALLOW UNBLOCKING CALLER ID INFORMATION
FOR CALLS TO ITS EMERGENCY SERVICES TELEPHONE NUMBER**

Chevrah Hatzalah Volunteer Ambulance Corps, Inc. (“Hatzalah”), an established private non-profit provider of free emergency medical services in the New York City area, respectfully requests that the New York State Public Service Commission (“Commission”) provide a limited waiver of the Commission’s requirements, to allow local exchange carriers providing Caller ID blocking services in areas served by Hatzalah to “unblock” the transmission of the calling party number (“CPN”) information associated with calls to Hatzalah’s emergency services telephone number. Approval of this petition will promote public safety by helping to ensure that emergency assistance can be provided to individuals with blocked Caller ID whose calls to the Hatzalah emergency number are medical emergencies.

The Commission has recognized, in granting previous petitions to allow Caller ID unblocking, that public safety concerns justify unblocking of Caller ID for calls to telephone numbers that are likely to receive calls of an emergency nature.^{1/} Likewise, in response to a

^{1/} See CASE 07-C-1091 - Petition of the City of New York Concerning Unblocking of Caller ID Information for Calls to 211, Order Approving Petition (issued May 28, 2008) (“NYC 211 Order”); Case

similar petition from Hatzalah, the Federal Communications Commission waived its rules and allowed unblocking of calls to Hatzalah’s emergency number, saying that doing so will serve the public interest by “ensuring the timely provision of emergency services . . . without undermining any countervailing privacy interests.”^{2/}

Many persons throughout New York turn to Hatzalah to provide emergency medical services. When placing a call to Hatzalah’s emergency telephone number, they are concerned with obtaining help as rapidly as possible. These callers want Hatzalah to know who they are and where they are; they want Hatzalah to be able to call them back if the call is cut off. The privacy afforded by the ability to block Caller ID is not a concern for a person calling for emergency services, yet when callers do not think to enter the code to turn off blocking – or in an emergency simply do not have the time to do so – they nevertheless have their number blocked when calling the Hatzalah emergency line, introducing significant and sometimes critical delay in Hatzalah’s ability to timely respond to their emergency situation.

The Commission can help resolve this impediment to public safety, without harm to consumer privacy interests, by granting Hatzalah’s petition to allow local exchange carriers to unblock Caller ID on calls to Hatzalah’s emergency number.^{3/}

04-C-0947, Petition of the Town of North Hempstead Concerning Unblocking Caller Id Information for Calls to the 311 Municipal Call Center, Order Granting Petition, (issued July 11, 2005) (“*Hempstead 311 Order*”); Case 03-C-0171, Petition of the City of New York Concerning Unblocking Caller ID Information for Calls to the 311 Municipal Call Center, Order Granting Petition with Conditions (issued Apr. 18, 2003) (“*NYC 311 Order*”).

^{2/} *Rules and Policies Regarding Calling Number Identification Service – Caller ID; Petition of Chevrah Hatzalah Volunteer Ambulance Corps Inc. for Waiver of Section 1601(b) of the Commission’s Rules – Blocked Telephone Numbers*, Order, 28 FCC Rcd 1253, ¶ 1 (CGB 2013) (“*FCC Hatzalah Order*”).

^{3/} Hatzalah recognizes the limitations on the relief it requests. First, it acknowledges that such relief would not result in delivery of calling number or location information for calls originating from wireless carriers or on wireless handsets. Second, Hatzalah recognizes that even where a wireline local exchange carrier acts in accordance with the requested waiver to provide unblocked Caller ID service, there may be technical limitations that prevent unblocking for certain types of calls.

I. HATZALAH HAS A LONG HISTORY OF PROVIDING HIGH-QUALITY NO-COST EMERGENCY SERVICES TO NEW YORK RESIDENTS.

Hatzalah, a non-profit corporation, is the largest all-volunteer ambulance service in the United States, providing premium quality pre-hospital emergency medical treatment and transportation at no cost to all who need it. Hatzalah, which was founded in New York City in 1965, is the only volunteer ambulance service licensed to serve the entire City of New York^{4/} and has become a model for similar rescue and ambulance services throughout the world. In recognition of the unique type and scope of Hatzalah's services, the FCC has waived its rules to permit Hatzalah to use a specially created frequency assignment (not otherwise specified in the FCC's regulations) within a band generally permitted only for railroad operations and not otherwise designated for public safety use.^{5/}

Hatzalah is also the only non-governmental ambulance service in the country to meet the criteria for an Essential Service classification under the Telecommunications Service Priority (TSP) for National Service and Emergency Preparedness (NS/EP).^{6/} In recognition of the essential and critical services that Hatzalah provides, and in the interest of maintaining a minimum number of services necessary for maintaining law and order and the health and safety of the U.S. population in times of any national, regional, or serious local emergency, Hatzalah has been assigned Category C TSP priority by the federal Office of Priority Telecommunications. Category C priority is granted only to those services for which a

^{4/} NYS DOH Ambulance Service Certificate, Agency Code Number 7191. Hatzalah is certified to operate in the five boroughs of New York City in accordance with provisions of Article 30 of New York Public Health Law.

^{5/} See call signs WPRF775 and KFM561, authorized by 1985 FCC waiver to operate on the 160.2800 MHz frequency at several locations in the metropolitan New York City area.

^{6/} Granted by the United States Department of Health and Human Services on Oct. 21, 2001, after Chevra Hatzalah's vital presence on Sept. 11, 2001 at the World Trade Center disaster.

telecommunications service interruption ranging from a few minutes to one day would have serious adverse impact on the supported NS/EP functions.^{7/} Hatzalah's services are also unique because although Hatzalah responds to calls from anyone who calls its private dispatch number without regard to race or religion, it provides specialized emergency services for Holocaust survivors and the ever-growing Hassidic and Sabbath observant Jewish populations in its coverage region. Hatzalah's main emergency hotline number has been ingrained in the minds of millions of people for three generations. In many orthodox Jewish communities – a key portion of the population that Hatzalah serves – children learn and memorize Hatzalah's emergency number simultaneous to learning how to dial 911, and the bright orange stickers that advertise Hatzalah's emergency number can be found attached to thousands of home telephones across the region.

Hatzalah has over 70 ambulances in operation throughout the greater New York metropolitan area and in counties throughout New York State, with over 1,000 volunteer emergency medical technicians (“EMTs”) and 180 paramedics, plus physician assistants and doctors on call 24 hours a day, 7 days a week, 365 days a year. The organization's first responders typically arrive on scene within two to four minutes of receiving a call, often faster than help can be dispatched from 911 emergency services. The rapid response time and the quality of its services largely account for Hatzalah's success and popularity; consequently Hatzalah volunteers are called upon to respond to over 50,000 medical emergency calls per year.

^{7/} See Telecommunications Service Priority, TSP Eligibility, <http://tsp.ncs.gov/eligibility.html>.

II. BLOCKED CALLER ID NUMBERS INTRODUCE CRITICAL DELAYS IN HATZALAH'S RESPONSE TO EMERGENCY CALLERS.

To ensure responses to emergency calls can be directed quickly and efficiently, Hatzalah has developed its own state-of-the-art computer-aided dispatch system – HCAD (Hatzalah Computer Aided Dispatch) – which provides specially trained Hatzalah dispatchers with vital technical assistance. This includes instant caller identification and location information for calls it receives from wireline customers of incumbent local exchange carriers providing service in most of the area where Hatzalah provides its services. HCAD computers are able to access to the Automatic Location Identification (“ALI”) database to match incoming wireline telephone numbers, as they appear in Caller ID, with corresponding customer name and street address, along with other available information. HCAD then uses a computerized digital map tracking system to locate the closest units and ambulance. This automatic data retrieval system eliminates the need for the human dispatcher to obtain contact information from the caller, who is likely to be under tremendous stress resulting from the emergency that prompted the call.

Unfortunately, this efficient emergency dispatch system is defeated when the incoming call comes from a subscriber that has requested that his or her Caller ID number be blocked and not revealed to the called party. Without a Caller ID number, the dispatch system is unable to automatically identify callers, creating several problems that can delay, or even prevent, the timely provision of emergency care. Even under the best circumstances, Hatzalah's response time is delayed by crucial seconds when a dispatcher must request a caller to verbally provide his or her phone number and location. Emergency callers are likely to be under tremendous stress, making communication with the dispatcher more difficult and increasing the likelihood of the caller misstating or miscommunicating his or her phone number. When the Hatzalah dispatch system knows the telephone number of a calling party though its provision by Caller ID, the

dispatcher can immediately return a call if the caller is disconnected for any reason. This benefit is lost when the Caller ID is blocked, requiring the dispatcher to take valuable time during the call to ask for and record the caller's number so that it can be dialed manually in the event of a disconnection.

For calls with unblocked Caller ID, Hatzalah is able to quickly re-connect with callers if necessary to secure additional location information or assistance before its volunteers arrive. However, if a call is interrupted before the Hatzalah dispatcher has been able to obtain sufficient location information from a caller, and the dispatcher is unable to reconnect due to lack of the phone number, Hatzalah may be unable to respond to the emergency call at all, with disastrous consequences.

III. THE COMMISSION HAS PREVIOUSLY RECOGNIZED THE IMPORTANCE OF PUBLIC SAFETY IN ALLOWING CALLER ID UNBLOCKING FOR EMERGENCY NUMBERS

When Caller ID was first introduced in New York, the Commission recognized that in most circumstances the disclosure of the Caller ID information of persons who did not want it disclosed could compromise the privacy expectations of those callers. The Commission therefore required New York telephone companies to provide their customers options to block the transmission of Caller ID information on calls that they make.^{8/} Nevertheless, the Commission has also long recognized the importance that Caller ID information can play in provision of emergency services and has consistently approved telephone company tariffs that

^{8/} Case 91-C-0428, *Proceeding on Motion of the Commission to Investigate New York Telephone Company's Proposal to Institute Caller ID Service*, Opinion No. 92-5, Opinion and Order Authorizing Caller ID Service (issued Apr. 19, 1992).

include an exception to Caller ID blocking for calls placed to 911 emergency response numbers.^{9/}

The Commission later extended this same logic when addressing petitions concerning other numbers to which emergency calls might be placed. In 2003, responding to a petition from New York City, the Commission ordered all local exchange carriers serving the City to unblock Caller ID on calls to the 311 number that serves the City’s Municipal Information Call Center established to provide consolidated access to non-emergency municipal services and information.^{10/} Despite the fact that the 311 number is not, like a 911 emergency response number, an emergency services line, the Commission recognized the fact that “it is possible that some callers [with an emergency] might choose to first dial 311 or that some 311 calls might evolve into emergency situations requiring a rapid response.”^{11/} The Commission weighed the privacy expectations of callers that may have blocked their Caller ID information, but concluded that “the unique public safety concerns associated with 311-dialed numbers warrant the unblocking of Caller ID information.”^{12/}

Responding in 2005 to a similar petition from the Town of North Hempstead concerning its 311 Call Center for access to non-emergency municipal services and information, the Commission once again recognized that “there will be situations when a 311-dialed call is or becomes an actual emergency call.”^{13/} On consideration, the Commission ordered unblocking of calls to the 311 number, concluding that while “there are privacy concerns associated with the

^{9/} See, e.g., Verizon New York Inc., P.S.C. No. 15 – Communications, Sec. 2, Page 9, Revision 0 (Effective May 1, 2014).

^{10/} *NYC 311 Order* at 10.

^{11/} *Id.* at 4.

^{12/} *Id.* at 6.

^{13/} *N. Hempstead 311 Order* at 3.

Town's request . . . , the critical public safety consideration justifies any compromise of the caller's expectation of privacy.”^{14/}

The Commission was faced with the same questions in considering a 2008 petition from the City of New York, requesting Caller ID unblocking for calls to the 211 number the City had established to provide access to community information and referral services. Recognizing once again that some calls to the 211 number may be emergencies that should be transferred to 911, the Commission agreed that “the unblocking of Caller ID on 211-dialed calls should be permitted for public safety reasons.”^{15/} The Commission found that by unblocking Caller ID to the 211 number, “when a 211-dialed call is transferred to the 911 call center . . . [the] [u]nblocked Caller ID will give the 911 call center operators to whom a 211 call is transferred the ability to locate and, if necessary, redial callers in the event of a disconnection.”^{16/}

IV. PUBLIC SAFETY CONCERNS SIMILARLY JUSTIFY GRANTING HATZALAH’S PETITION TO ALLOW CALLER ID UNBLOCKING

The same public safety concerns that led the Commission to require Caller ID unblocking in response to the three petitions noted above should also lead the Commission to waive its rules in response to Hatzalah’s petition and allow local exchange carriers to unblock Caller ID for calls to Hatzalah’s emergency number. In fact, while in its review of previous petitions the Commission found Caller ID unblocking justified on the basis that some of the calls made to the 311 and 211 numbers may be emergency calls, almost every call to the Hatzalah emergency number is an emergency. Allowing carriers to unblock calls made to the Hatzalah emergency

^{14/} *Id.* at 6.

^{15/} *NYC 211 Order* at 9.

^{16/} *Id.*

number, like those to 311 and 211, will give the emergency assistance dispatcher “the ability to locate and, if necessary, redial callers in the event of a disconnection.”^{17/}

The FCC, in granting a waiver to allow unblocking of Caller ID for calls to Hatzalah’s emergency number from numbers under its jurisdiction, concluded that doing so “serves the public interest . . . because Hatzalah will be better able to respond to emergency situations by saving the crucial time taken when requesting phone number and location information from the caller.”^{18/} The FCC recognized that unblocking Caller ID for Hatzalah is justified because “people seeking emergency services are often under great stress when they call, which can lead to difficulty in accurately communicating the vital telephone number and location information” and that “[i]f the caller is unable to provide sufficient location information, Hatzalah may be unable to respond to the emergency request, potentially endangering the lives and safety of members of the public.”^{19/}

The FCC found benefit in the fact that “when a CPN is unblocked, this allows the dispatcher immediately to return a disconnected call without asking for the phone number.”^{20/} Weighing the privacy concerns involved in granting Hatzalah’s waiver request, the FCC concluded that “a caller seeking emergency services has an interest in the number becoming known to the emergency provider to speed the provision of emergency services and, therefore,

^{17/} *Id.*

^{18/} *FCC Hatzalah Order* ¶ 11. While the FCC’s order was issued in 2013, Hatzalah’s petition to the New York Commission and implementation of Caller ID unblocking in its dispatch operation has been delayed by change in key personnel and a move to new headquarters, which also entailed an upgrade to Hatzalah’s telephone, computer, and computer-aided dispatch system. *See* Letter from Russell H. Fox, Counsel for Hatzalah to Marlene H. Dortch, Secretary, FCC (Aug. 20, 2014) (filed in the FCC’s CC Docket No. 91-281).

^{19/} *Id.*

^{20/} *Id.*

any privacy concerns are minimized in this context.”^{21/} Each of these considerations by the FCC applies equally to this request, and the Commission should consider applying the same logic to consideration of Hatzalah’s current waiver petition.

Hatzalah provides a unique and needed public service, not only through its direct provision of quality emergency medical services to persons in need throughout the New York City area, but also by alleviating the burden on New York City and other public agencies that would be presented if the 50,000 emergency calls handled by Hatzalah each year had to be borne by those public agencies. Allowing Caller ID unblocking for Hatzalah’s emergency number will enable Hatzalah to more effectively provide this public service, and it is therefore in the public interest for the Commission to grant Hatzalah’s request.

V. GRANTING HATZALAH’S PETITION WILL NOT CREATE A PRECEDENT FOR SIMILAR PETITIONS FROM OTHER PRIVATE PROVIDERS

Hatzalah recognizes that the Commission’s previous orders concerned Caller ID unblocking for government-controlled non-emergency numbers,^{22/} and Hatzalah is not a government agency. It is nevertheless in the public interest for the Commission to issue a waiver allowing unblocking of calls to Hatzalah, and doing so will not create a precedent requiring the Commission to grant similar petitions from other private entities. First, as noted above, nearly *all* calls to Hatzalah are made in emergency situations, making unblocking a public safety concern for calls to Hatzalah just as it is for calls to governmental non-emergency numbers. Second, while Hatzalah does not qualify as a Public Safety Answering Point (“PSAP”) eligible to receive unblocked 911 calls, it provides services that are uniquely similar to PSAPs and different from nearly any other private ambulance service or emergency medical service

^{21/} *Id.*

^{22/} The Commission’s longstanding requirement for unblocking 911 calls also applies only to government-operated PSAPs.

provider. Hatzalah's request will not, therefore, open the door for similar petitions from other private providers. As described above, Hatzalah is a 50-year-old non-profit organization that provides all of its services free of charge. Hatzalah is unique as the nation's largest all-volunteer ambulance service, with over 1,000 volunteer EMTs and 180 paramedics, using a state-of-the-art computer-aided dispatch system to respond to more than 50,000 emergency calls each year. Granting a waiver allowing unblocking to Hatzalah need not set a precedent for unblocking for other private services, except perhaps for any similarly large, well-established non-profit ambulance service using a state-of-the-art dispatch system to provide high-quality emergency medical services to all who need it, free of charge – if any other such organizations exist.

VI. GRANTING HATZALAH'S PETITION NEED NOT CREATE ANY LIABILITY FOR LOCAL EXCHANGE CARRIERS PROVIDING THE UNBLOCKING

An order waiving the Commission's Caller ID blocking rules and allowing local exchange carriers in Hatzalah's service area to unblock Caller ID for calls to Hatzalah's emergency number need not create any liability for carriers. The Commission has in the past approved ILEC tariffs that include provisions limiting the carrier's liability for economic harm, personal injury, invasion of privacy, or other harms that may result from unblocking Caller ID for calls to 911 emergency services, as well as calls to 311 and 211 numbers for which the Commission has previously ordered unblocking.^{23/} These tariffed liability limitation provisions in ILEC tariffs can also be extended to unblocking of Caller ID on calls to Hatzalah's emergency line after the Commission issues a waiver allowing unblocking to Hatzalah's number. Hatzalah will also work with local exchange carriers providing the Caller ID unblocking allowed by the

^{23/} See, e.g., Verizon New York Inc., P.S.C. No. 15 – Communications, Sec. 2, Page 10, Revision 0 (Effective May 1, 2014).

Commission's waiver to include mutually acceptable provisions governing limitation of liability and indemnification in any Limited Service Offering between carriers and Hatzalah.

VI. CONCLUSION

For the reasons described above, the Commission should issue an order granting a limited waiver of its Caller ID rules to allow local exchange carriers providing service in areas where Hatzalah provides its emergency services to unblock Caller ID for all calls to Hatzalah's emergency services number.

Respectfully Submitted,

/s/ Russell H. Fox

Russell H. Fox
Ernest C. Cooper
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC
701 Pennsylvania Avenue NW
Suite 900
Washington, DC 20004
202-434-7300
rfox@mintz.com

*Counsel for Chevrah Hatzalah Volunteer
Ambulance Corps, Inc.*

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