

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Rhode Island Affiliate, American Civil :
Liberties Union Complaint And Request : Docket No. D-06-45
For Investigation of Verizon and AT&T :

ORDER

Whereas: On May 24, 2006 the Rhode Affiliate, American Civil Liberties Union (“ACLU”) filed a request for investigation and complaint against Verizon and AT&T. The complaint alleged that Verizon and AT&T have provided the National Security Agency (NSA) “with the personal calling details of customers, including telephone numbers called, time, date, and direction of calls,” which the ACLU described as a violation of customer privacy rights and an apparent violation of AT&T and Verizon’s “own customer privacy agreements.”

Whereas: In response to the complaint, the Division forwarded copies of the ACLU’s complaint and request for investigation to Verizon and AT&T (the “Respondents”) on May 25, 2006 and requested that the Respondents provide written responses to the allegations. The Division received timely written responses from AT&T and Verizon on June 15 and June 16, 2006, respectively. In their responses, the Respondents urged the Division to reject the ACLU’s complaint and request for an investigation based on the extremely classified nature of the NSA program and their perceived legal inability to cooperate with the Division in the context of a formal regulatory inquiry. The Respondents

also represented that similar complaints had been filed in other states and that the matter was currently being litigated in several federal courts.

Whereas: The Division subsequently docketed the instant matter on August 16, 2006 and conducted a pre-hearing conference with the parties on September 18, 2006. Subsequently, on December 6, 2006, the parties submitted a “Consent Order” wherein they offered the following stipulation:

1. *In light of the threshold legal issues affecting the matters raised by this Complaint, which will be addressed by the Federal Court in In Re: National Security Agency Telecommunications Records Litigation, MDL 1791 (M.D. Cal.), this proceeding is hereby suspended pending final conclusion of the MDL litigation.*
2. *Any party may move to vacate this order of suspension for cause, and the other parties may object to such motion to vacate.*
3. *The hearing officer reserves the right to enter such orders in this matter as may be deemed necessary or proper.*

Whereas: The Division approved the foregoing Consent Order agreement on December 8, 2006 (See Order No. 18786).

Whereas: The instant docket matter remained held in abeyance in accordance with the foregoing stipulated agreement until the under-signed hearing officer requested a status report from the parties on October 31, 2008. The status report request was precipitated by the recent enactment of federal law, which, *inter alia*, provided immunity to the telecommunications companies subject to the type of privacy complaints, which gave rise to the instant docket.

Whereas: On November 26, 2008, the parties filed a dismissal stipulation with the Division, wherein they “...agreed and stipulated that in

light of the enactment of the FISA Amendments Act of 2008, Public Law No. 110-261, this proceeding shall be dismissed.”

Now, therefore it is,

(19513) ORDERED:

1. That the dismissal stipulation, filed by the parties on November 26, 2008, is hereby approved.
2. The Division hereby closes the instant docket.

Dated and Effective at Warwick, Rhode Island on December 3, 2008.

John Spirito, Jr., Esq.
Hearing Officer

APPROVED: _____
Thomas F. Ahern
Administrator