



October 7, 2013

VIA ELECTRONIC MAIL AND U.S. MAIL

The Honorable Edward J. Markey
United States Senate
218 Russell Senate Office Building
Washington, DC 20510-2742

Dear Senator Markey:

In response to your September 12, 2013, letter requesting information regarding how C Spire Wireless processes requests for consumer information from law enforcement agencies, please find our responses to your specific inquiries below.

C Spire desires to properly balance the protection of consumers' communications information against the needs of law enforcement agencies to prevent and prosecute criminal acts. I am certain that you will find the information below helpful as you continue your efforts to promote policies that advance the interests of wireless consumers.

Q1: In 2012, how many total requests did your company receive from law enforcement to provide information about your customers' phone usage?

RESPONSE: Approximately 2,350.

Q1a: Within that total, please list the amount of requests your company received for each type of usage, including but not limited to the following: (1) Geolocation of device (please distinguish between historical and real-time); (2) Call detail records (i.e., pen register and trap and trace); (3) Text message content; (4) Voicemail; (5) Cell tower dumps; (6) Wiretapping (7) Subscriber information; (8) Data requests (e.g., information or URLs visited)?

RESPONSE: Because requests received from law enforcement often seek various types of information, C Spire does not attempt to track requests by the specific categories listed.

Q1b: Within that total, how many of the requests were made in emergency circumstances, and how many were in non-emergency situations?

RESPONSE: Approximately 4% of law enforcement requests received were categorized as "exigent" when logged. This means that a one-time "current location" was provided to law enforcement agencies because a 911 call was detected or because the relevant law enforcement agency certified there was an emergency involving immediate danger of death or serious physical injury to any person. Requests for this one-time "current

location" information are received via an Exigent Circumstances Form or, occasionally, on law enforcement agency letterhead. All non-emergency requests require a court order or warrant before information is provided to a law enforcement agency.

Q1c. Within that total, how many of the requests did your company fulfill and how many did it deny? If it denied any requests, for what reasons did it issue those denials?

RESPONSE: C Spire does not attempt to track the number of law enforcement requests denied. However, the company estimates that approximately 15% of all law enforcement requests are denied in whole or in part. Law enforcement requests for consumer information are denied for various reasons. However, the most common basis for a denial is that the given request seeks information that is no longer retained by the company. Other requests are denied for procedural defects. For example, agencies may incorrectly pursue information via subpoena when a court order is required. Additionally, requests are denied due to jurisdictional and facial defects.

Q1d. Within that total, please breakdown how many of the requests were made by Federal authorities, how many by state authorities, and how many by local authorities.

RESPONSE: C Spire does not maintain a separate record of the total requests made by federal, state or local authorities.

Q2. For each type of usage in 1(a), how long does your company retain the records?

RESPONSE: With regard to the categories of information listed in Question 1(a), C Spire's practice is to retain real-time geolocation information for approximately 2-3 days; historical geolocation information for up to 18 months; call detail records for up to 18 months; voicemail for up to 18 days; cell tower dump data for up to 18 months; and basic subscriber records (as specified by 18 USC § 2703(c)(2)) on a perpetual basis. All other categories of information listed in 1(a) are neither maintained nor retrievable by the company.

Q3. What is the average amount of time law enforcement requests for one cell tower dump (e.g., one hour, 90 minutes, two hours, etc.)? For each hour of a cell tower dump that your company provides, on average how many mobile device numbers are turned over to law enforcement?

RESPONSE: On average, law enforcement seeks approximately 2 hours of cell tower dump data per request. Records are not maintained regarding how many mobile device numbers are turned over to law enforcement for each hour of cell tower dump data provided.

Q4. In 2012, how many requests did your company receive under Section 215 of the Patriot Act?

RESPONSE: Title 50 USC § 1861(d) generally prohibits recipients of Federal Bureau of Investigation requests for foreign intelligence information (made pursuant to Section 215 of the Patriot Act) from disclosing to third parties whether such requests have been made. The precise extent of this disclosure prohibition is currently being litigated before the Foreign Intelligence Surveillance Court. Until this legal question is resolved by the courts or Congress, C Spire is not able to disclose the exact number, if any, of this unique type of request the company may have received. To the extent requests of this type were received by C Spire in 2012, they would be counted among the aggregate total provided in response to Question 1.

Q5. What protocol or procedure does your company employ when receiving these requests?

RESPONSE: All requests from law enforcement agencies seeking customer information are submitted to our Subpoena Compliance Department, where the requests are logged and reviewed by an attorney. The assigned attorney then evaluates the validity of the request and prepares an appropriate written response to the relevant law enforcement agency.

Q5a. What legal standard do you require law enforcement to meet for each type of usage in 1(a)?

RESPONSE: The legal standard required for each of the listed types of information requested by law enforcement is controlled by federal statute. Specifically, requests for call detail records must comply with the procedures and legal standards required by 18 USC §§ 3121-3127; wiretap requests must comply with the procedures and standards established in 18 USC §§ 2510-2521; and requests for other types of stored wire and electronic communications must comply with the procedures and standards prescribed by 18 USC §§ 2701-2712.

Q5b. Does your company distinguish between emergency cell phone tracking requests from law enforcement and non-emergency tracking requests? If yes, what are the distinctions?

RESPONSE: Yes. A one-time “current location” can be provided to law enforcement agencies if we detect a 911 call or because the relevant law enforcement agency certifies that there is an emergency involving immediate danger of death or serious bodily injury to any person. Requests for this one-time “current location” information are received via an Exigent Circumstances Form or, occasionally, on law enforcement agency letterhead. All other requests require a court order or warrant before information is provided. For non-emergency requests, a court order or warrant is required before any tracking data is provided.

Q5c. Have any of these practices changed since your May 2012 correspondence?

RESPONSE: No.

Q6. Did your company encounter misuse of cell phone tracking by police departments during 2012? If yes, in what ways has tracking been misused? And if yes, how has your company responded?

RESPONSE: No.

Q7. Does your company have knowledge of law enforcement authorities that use their own tracking equipment (e.g., Stingray phone trackers)? If yes, please explain. Does your company cooperate with law enforcement that uses its own tracking equipment? If yes, how?

RESPONSE: Yes. C Spire is aware that several federal law enforcement agencies and at least one municipal police department have access to their own tracking equipment. When the information is lawfully requested, the company cooperates with law enforcement to provide the administrative and mapping data necessary to support the given agency’s tracking equipment.

Q8. In 2012, did your company receive money or other forms of compensation in exchange for providing information to law enforcement? If yes, how much money did your company receive? And if yes, how much does your company typically charge for specific services (please refer to the list in 1(a) above)?

RESPONSE: Yes. Consistent with 18 U.S.C. §§ 2518(4), 2706(c), and 3124(c), C Spire charges law enforcement agencies an administrative fee for responding to certain types of requests. In 2012, fees collected from law enforcement agencies related to approximately 2,350 requests for information totaled less than \$55,000. A copy of the company's fee schedule is attached.

Q8a. Does your company charge different amounts depending upon whether the request is for emergency or non-emergency purposes? Does your company charge fees for emergency cell phone tracking request from police departments?

RESPONSE: No.

Q8b. Please include any written schedule of any fees that your company charges law enforcement for these services.

RESPONSE: Attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Moncrief". The signature is stylized and cursive.

Benjamin M. Moncrief
Director, Government Relations
C Spire Wireless

Fee Schedule*

Type of Request	Fee
Processing Fee (for all subpoenas and court orders)	\$30.00
Call Detail	\$15.00 up to 1 month; \$10 each additional month
Subscriber Information	\$5 per number
Electronic Surveillance - new order	\$200.00 initial set up, \$15.00 daily
Electronic Surveillance - renewal order	\$15.00 daily (if the initial order has expired before the renewal order is received, it is billed as a new order)

* Fee Schedule effective as of October 1, 2002. Rates are subject to change.