



C Spire Wireless  
1018 Highland Colony Parkway, Ste 300  
Ridgeland, MS 39157

May 23, 2012

**VIA ELECTRONIC MAIL AND U.S. MAIL**

The Honorable Edward J. Markey  
Co-Chairman  
Congressional Bi-partisan Privacy Caucus  
2108 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Markey:

Thank you for your May 2, 2012, letter requesting information regarding how C Spire Wireless deals with requests for consumer information from law enforcement agencies.

Please find our responses to your inquiries below. We trust you will find this information helpful as you examine policies to promote the interests of wireless consumers.

***Q1: Over the past five years, how many requests has your company received from law enforcement to provide information about your customers' phone usage, including but not limited to location of device, tracing phone calls and text message, and full-scale wire-tapping?***

RESPONSE: Approximately 12,500.

***Q1a: How many of these requests did your company fulfill and how many did it deny?***

RESPONSE: Because many of the approximately 12,500 requests we have received seek multiple and various types of information, it is difficult to identify a specific number of requests fulfilled or denied over the given period. However, we estimate that approximately 15% of all law enforcement requests for customer information are denied either in whole or in part.

***Q1b: If it denied any requests, for what reasons did it issue those denials?***

RESPONSE: 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 a facial defect, such as the lack of a valid signature on the given subpoena or court order.

**Q2. 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.

**Q2a. Do you consider whether law enforcement has obtained a warrant to obtain this information?**

RESPONSE: Yes.

**Q2b. 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 if the law enforcement agency certifies that there is 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 other requests require a court order or warrant before information is provided.

**Q3. Has your company encountered misuse of cell phone tracking by police departments? If yes, in what ways has tracking been misused? And if yes, how has your company responded?**

RESPONSE: We have received and denied emergency requests for customer information in which no true "exigent" circumstances exist. We are not aware of any instance in which customer data has been improperly released by the company.

**Q4. How much of your staff is devoted to providing this type of information to law enforcement (i.e., does your company have staff assigned specifically to this function?)**

RESPONSE: We maintain a dedicated Subpoena Compliance Department comprised of two full-time attorneys and two full-time administrative assistants. Approximately 90-95% of the Subpoena Compliance Department's workload is comprised of reviewing and responding to law enforcement requests.

**Q5. The New York Times article mentions police departments purchasing their own mobile phone tracking equipment. Does your company cooperate with police departments that have their own tracking equipment? If yes, how?**

RESPONSE: To the extent compliance with a valid court order or warrant requires, we will provide customer or network-related information to law enforcement agencies which operate their own tracking equipment.

**Q6. Has your company ever accepted money or other forms of compensation in exchange for providing information to law enforcement? If yes, how much money has your company received? And if yes, how much**

***does your company typically charge for specific services (i.e., phone location, trace phone calls or text messages, full-scale wiretapping?)***

RESPONSE: Consistent with 18 U.S.C. §§ 2518(4), 2706(c), and 3124(c), we charge law enforcement agencies an administrative fee for responding to certain types of requests. Through April of this year, fees collected from law enforcement agencies related to requests for information total less than \$18,000.00. A copy of our fee schedule is attached.

***Q6a. 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 requests from police departments?***

RESPONSE: No.

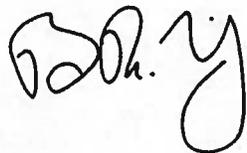
***Q6b. Please include any written schedule of any fees that your company charges law enforcement for these services.***

RESPONSE: Please see response to Q6, above.

***Q7. Does your company actively market the provision of this information to law enforcement? If yes, please describe the nature of these marketing activities.***

RESPONSE: No.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Moncrief". The signature is stylized and written in a cursive-like font.

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.