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Chicago, IL 60631  
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May 23, 2012

Edward J. Markey  
Co-Chairman  
Congressional Bi-partisan Privacy Caucus  
Congress of the United States  
House of Representatives  
Washington, D.C. 20515-2107

Dear Congressman Markey,

We are in receipt of your letter of May 2, 2012 in which you request information regarding United States Cellular Corporation's ("U.S. Cellular") responses to law enforcement's requests for customers' records, including cell phone usage, location and text messages.

U.S. Cellular's Subpoena Compliance Team ("Compliance Team") responds to all lawful requests from customers, attorneys and members of the law enforcement community which includes prosecutors, local, state, county and federal law enforcement officers. The Compliance Team is a centralized department consisting of 3 Subpoena and Cloning Specialists, 1 Subpoena and Cloning Team Leader and 1 Supervisor of Risk Management. In addition, U.S. Cellular uses its National Roamer Support Team in Knoxville, TN for all exigent requests (referred herein as "E911") that are received after normal business hours with support from a member of the Compliance Team in case issues arise. The Compliance Team and National Roamer Support Team ensure that U.S. Cellular is available 24 hours a day, 7 days a week, 365 days a year to provide law enforcement information as required under the Communications Assistance to Law Enforcement Act. 47 U.S.C. §1002 *et seq.* The Compliance Team also testifies in court to authenticate and interpret U.S. Cellular records. Through this work, U.S. Cellular is committed to serving its customers, law enforcement, and members of the legal community by providing information in a professional and expeditious manner while maintaining the privacy and security of its customers.

U.S. Cellular's responses to the specific questions raised in your letter are contained in Attachment A, enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gockley", written over the word "Sincerely,".

John C. Gockley

## Attachment A

1. **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 messages, and full-scale wiretapping?**
  - a. **How many of these requests did your company fulfill and how many did it deny?**
  - b. **If it denied any requests, for what reasons did it issue those denials?**

Over the past 5 years, U.S. Cellular has received over 103,000 requests in the form of subpoenas, court orders, search warrants and letters regarding its customers' phone accounts and usage. Specifically, U.S. Cellular has received requests for subscriber names, numbers, billing records, phone location (PING), cell tower records, text message content, pen registers and wiretaps. Pursuant to legal requirements, U.S. Cellular requires search warrants or court orders, which may include grand jury orders, to provide cell tower records and content of text messages. Court orders issued pursuant to Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. § 2510 *et seq.* ("Title III"), are required for pen registers and wiretaps. U.S. Cellular also receives a number of exigent requests (hereinafter "E911") from law enforcement each year. These E911 requests most often seek subscriber information or phone location by having U.S. Cellular "ping" (PING) the device to determine which cell tower the device is communicating with at that time.

Attached as Exhibit 1 is a General Information sheet that U.S. Cellular provides to law enforcement and attorneys about its Subpoena Compliance program. It explains how to submit requests, the guidelines for E911 requests, and information regarding the legal documentation needed to procure specific information. The General Information sheet also includes the rates U.S. Cellular charges for services as well as the period of time that U.S. Cellular retains records used to comply with lawful requests. As noted in the General Information sheet, requests can be denied for several reasons, including U.S. Cellular not being the carrier for the phone number provided, the number being ported to a different carrier, or the legal document not being completed properly.

The table below contains more specific information about the requests submitted to the Subpoena Compliance Team for each of the last 5 years. U.S. Cellular uses a database program ("Remedy Program") in order to track and respond to lawful requests. The table includes all requests submitted to the Compliance Team and is not limited to requests by law enforcement. Based on information in the Remedy Program, requests are broken into the follow categories: (i) Court Order; (ii) E911 request; (iii) Grand Jury request; (iv) Letter; (iv) Police Report; (v) Pen Register; (vi) Search Warrant; (vii) Subpoena; and (viii) Wiretap. The resolution is listed as: (i) Complied; (ii) Denied due to information needed; (iii) Denied due to information not available; and (iv) Resolution not



recorded. Exhibit 2 and Exhibit 3 are the form letters for “denial because information is needed” and “denial because information is not available.”

Year	Method of Request	Complied	Need Information	Information Not Available	Resolution Not Recorded	Total
2007	Court Order	2665	1	0	64	2730
	E911	2494	3	1	470	2968
	Grand Jury	0	0	0	0	0
	Letter	391	8	0	14	413
	Police Report	246	1	0	9	256
	Pen Register	6	0	0	1	7
	Search Warrant	117	0	0	11	128
	Subpoena	9239	9	2	365	9615
	Wiretap	5	0	0	1	6
2008	Court Order	2462	2	4	180	2640
	E911	3125	3	1	845	3974
	Grand Jury	30	0	0	0	30
	Letter	657	18	1	172	848
	Pen Register	119	0	0	7	126
	Police Report	159	2	0	21	182
	Search Warrant	222	2	1	25	230
	Subpoena	11646	28	23	837	12,534
	Wiretap	6	0	0	0	6
2009	Court Order	2064	3	6	23	2096
	E911	3598	3	7	634	4242
	Grand Jury	1236	2	4	29	1271
	Letter	969	3	8	194	1174
	Pen Register	134	5	0	40	179
	Police Report	194	5	1	3	203
	Search Warrant	349	3	1	12	365
	Subpoena	10486	14	34	322	10,856
	Wiretap	4	4	0	0	8
2010	Court Order	1879	7	15	15	1916
	E911	4201	5	26	99	4331
	Grand Jury	1216	3	16	4	1259
	Letter	1219	17	12	324	1572
	Pen Register	200	0	2	11	213
	Police Report	180	2	1	0	183
	Search Warrant	417	5	6	4	432
	Subpoena	9905	42	93	341	10,381
	Wiretap	3	0	0	0	3

Year	Method of Request	Complied	Need Information	Information Not Available	Resolution Not Recorded	Total
2011	Court Order	1590	4	15	19	1628
	E911	3473	10	184	357	4024
	Grand Jury	714	2	7	5	728
	Letter	1522	11	16	522	2071
	Pen Register	284	1	5	22	312
	Police Report	85	1	0	4	90
	Search Warrant	350	4	6	7	367
	Subpoena	10,058	41	96	316	10,511
	Wiretap	3	0	0	0	3
2012	Court Order	566	4	2	11	583
	E911	1486	6	92	20	1604
	Grand Jury	262	1	7	4	274
	Letter	623	9	9	212	853
	Pen Register	126	1	1	9	137
	Police Report	12	1	0	1	14
	Search Warrant	197	2	7	6	212
	Subpoena	4243	21	40	140	4444
	Wiretap	1	0	0	0	1
<b>Total</b>						103,655

**E911** is an exigent request by law enforcement in life or death situations. Law enforcement is required to complete an Exigent Form at which time the information is provided immediately. E911 requests are often subscriber information or phone location (PING). Exigent Forms are attached as Exhibit 4.

**Letters** are either from: (i) customers requesting their own records accompanied by their picture identification card; or (ii) law enforcement requesting preservation of documents pursuant to Section 2703 of the Stored Communications Act, 18 U.S.C. §2703.

**Police Report** is a request by law enforcement for a customer's bill or subscriber information in order to complete a police report. The request is accompanied by a letter from the customer and customer identification, and the response is sent to law enforcement.

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

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



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

As noted in the response to Question #1, U.S. Cellular's Compliance Team provides a General Information sheet to law enforcement and attorneys about its processes. The Compliance Team will record each request in the Remedy Program as it is received. Subpoena requests and court orders are handled on a first-come, first-serve basis. And, E911 requests are handled on as needed basis. The Compliance Team provides content of text messages and cell tower records pursuant to search warrants and court orders. Pen registers and wiretaps require Title III Court Orders. The Compliance Team works with law enforcement on the Title III Orders in order to ensure timely setup and monitoring as required.

The Compliance Team distinguishes between E911 requests and non-emergency tracking requests both in the time period in which it responds and the method for obtaining information. With an emergency request, law enforcement must complete the Exigent Form prior to receiving either the requested information, usually subscriber information or the location of the device through the PING. With a non-emergency request, law enforcement must submit a court order to receive the cell tower data which will provide information regarding calls made by the devices that communicated with the cell tower during a specific period.

- 3. 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?**

U.S. Cellular has not encountered misuse of phone tracking by law enforcement.

- 4. 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)?**

U.S. Cellular has a staff of 5, the Compliance Team consisting of 1 Supervisor, 1 Team Lead and 3 Specialists, devoted to responding to requests by law enforcement and attorneys. The Compliance Team also has access to U.S. Cellular attorneys as well as outside legal counsel in the event that questions arise regarding the sufficiency of any subpoena, court order, search warrant or other document submitted.

- 5. 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?**

U.S. Cellular is unaware of police departments purchasing their own mobile phone tracking equipment. As noted in its General Information sheet, the Compliance

Team does provide the information for pen registers and wiretaps to law enforcement's own equipment pursuant to a Title III Court Order.

- 6. 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?**
- a. 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?**
- b. Please include any written schedule of any fees that your company charges law enforcement for these services.**

In order to cover its costs of providing this service, U.S. Cellular began charging law enforcement and attorneys for complying with lawful requests in 2009. U.S. Cellular has collected the following amounts since it has implemented its fee schedule: (i) \$162,720 in 2009; (ii) \$413,535 in 2010; (iii) \$460,692 in 2011; and (iv) \$140,125 in 2012 year-to-date. In regard to an emergency request, U.S. Cellular does not charge different fees for the services, but U.S. Cellular does charge an additional fee to expedited processing a request. The expedited fees are: (i) \$100 for processing an order in 1 day; (ii) \$50 for processing an order in 2-3 days; and (iii) \$25 for processing an order in 3-4 days. With regard to emergency tracking requests, U.S. Cellular does not charge law enforcement for its first 3 PING requests; however U.S. Cellular charges \$25 per PING for every request thereafter. Nevertheless, before receiving any GPS locator information, law enforcement must complete an Exigent Form. A written schedule of fees is provided as part of the General Information sheet (Exhibit 1) which details U.S. Cellular's charges for services.

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

U.S. Cellular does not market the provision of these services to law enforcement. U.S. Cellular strives to respond to these requests in a professional and expeditious manner.



## United States Cellular Corporation

### General Information

#### Contact Information and Hours of Operation:

- Monday – Friday 8:00 a.m. – 5:00 p.m. CST
- Telephone Number – (630) 875-8270
- Fax Number – (866-669-0894)
- Mailing Address: **U.S. Cellular  
Subpoena Compliance  
One Pierce Place  
Suite 800  
Itasca, IL 60143**
- Email address – [legal.compliance@uscellular.com](mailto:legal.compliance@uscellular.com)
- Staffing 1 Supervisor and 4 Specialists.

All Subpoena and court order requests are processed in the order that they are received. Our normal turn around time is 2 weeks from the date of receipt unless it is an Exigent Circumstance. Exigent requests take precedence over all other requests.

### Exigent Requests

1. From time to time, calls are received from law enforcement regarding emergency situations. USCC defines an emergency situation as “(i) *an emergency situation requiring swift action to prevent imminent danger to life or serious damage to a person, property, or to forestall the imminent escape of a suspect, or destruction of evidence.* (ii) *conspiratorial activities threatening the national security interest, or (iii) conspiratorial activities characteristic of organized crime that requires a wire, oral, or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and there are grounds upon which an order could be entered to authorize such interception.*”
2. If you have an emergency situation after normal business hours, please call our after hours department for assistance at (630) 875-8270. This department ONLY handles exigent circumstances and only works with Law Enforcement Agencies or E911 centers that are required to complete the attached Exigent Form before any information is released.

## Exhibit 1 – General Information

### **Subpoena**

Administrative Subpoena – is required to release Call Detail Records, Subscriber Information, and reprint of a customer's bill.

### **Search Warrant or Court Orders**

Search Warrant or Court Orders are required to release:

- content of text messages
- cell tower location data which show what cell towers were used to connect a call. This provides a general location of the phone during a specific call.

### **Title III Orders**

Title III court orders are required to release the following to LEA's that have their own equipment:

- The set up of pen register (electronic transmittal of all phone numbers called on a specific target number to law enforcement agents).
- Title III surveillance (electronic transmittal of all oral voice conversation on a specific target number to law enforcement agents).

### **Denial of Subpoena, Search Warrant, Court or Title III Orders**

On occasion requests have been denied for the following reasons:

- The records are not available for the time frame requested.
- Cellular telephone number does not belong to U.S. Cellular
- U.S. Cellular is not the carrier listed in the request.
- The time frame requested has exceeded our retention period (see attached).
- Subpoena or court order is not signed or contains incomplete information.
- Cellular phone number is not in the name of the person listed on the request.
- Cellular telephone number ported out to another carrier.



**COSTS FOR PRODUCTION OF RECORDS OR SERVICE RENDERED**

- Subscriber Information
  - \$5 per CTN
- Bill Reprints:
  - Bill reprints - 5 months or less \$5 per month per CTN
  - 6 months or greater \$10 per month per CTN
- Call Detail Records:
  - \$50 per CTN per month
- Text Messaging Detail Records:
  - \$40 per CTN per month
- Pen Register/Trap and Trace or Wire Tap/Title III
  - \$250 set up fee.
  - \$25 per day per CTN
- GPS Locator (PINGS)
  - First 3 requests free - \$25.00 each subsequent request
  - \$25.00 per request on nonexigent circumstances
- Content of Text Messages
  - \$25.00 flat fee per CTN/per request
- Cell Tower Dumps
  - \$50.00 per staff hour/per cell tower for requests greater than 0.5 hours
- Expert Testimony
  - \$50.00 per hour per court case. (This fee includes the time it takes to prepare the witness along with travel to and from the appearance).
- Expedited Services
  - \$100.00 1 business day
  - \$50.00 2-3 business days
  - \$25.00 3-4 business days

## Retention of records

Type of Information	Description	Retention Period
Call Detail Records	Details the outgoing and incoming phone numbers, captures date and time of calls.	1 rolling calendar year
Text Messaging Records	Details the outgoing and incoming phone numbers, captures date and time of text messages.	1 rolling calendar year
Content of Text Messages	Captures the content of information sent via text.	3-5 days
Bill Reprints	Reprint of customers billing statement.	estimated 7 years
Cell Tower Information	Tower information that call was processed through.	1 rolling calendar year
Subscriber Information	Name, address, social security number, equipment type, activation date and location of service activation.	estimated 7 years
Payment History	Payment amounts, date payment made and source type ( i.e. credit card, check, IVR or cash).	1 rolling calendar year
Account Memos	Record of customer interaction with U.S. Cellular® front line associates.	estimated 7 years





May 22, 2012

Requestor Name  
Requestor Agency  
Street Address 1  
Street Address 2  
City State Zip

Re: Info Requested

Dear Agent Name,

Your discovery request dated Date, directed to *U.S. Cellular* was recently received. At this time *U.S. Cellular* does not have the information you have requested on file for telephone number CTN, however this information may be obtained from Carrier Name.

If you have any questions, please contact a Subpoena Specialist at the number listed below.  
Thank you.

Sincerely,

*Your Name Here*

Your Name Here  
Subpoena Specialist  
630-875-8270

File: Remedy Number

## Exhibit 3



8410 West Bryn Mawr, Ste 700  
Chicago, Illinois 60631-3486

[insert date]

[insert entity]

Dear [insert name],

Your discovery dated                      directed at *U.S. Cellular* was recently received. Based on the information you submitted, we require a time frame for the records in question. You may resubmit your requests with the required information and it will be processed accordingly. Should you have any questions regarding this letter, please contact a Subpoena Specialist at the number listed below. Thank you.

Please consider this letter as our response to the discovery request.

Sincerely,

Lauren Murdock  
Supervisor Risk Management  
630-875-8270

File:

U.S. Cellular Subpoena Compliance Center   One Pierce Place Suite 800   Itasca, IL 60143  
630-875-8270 phone   630-875-8243 fax





**911 EXIGENT CIRCUMSTANCES FORM**

**FAX TO: U.S. Cellular Subpoena Department**

**Monday-Friday 8:00 a.m. to 5:00 p.m. CST**

Business Hours Phone: 630-875-8270 Option 1

Business Hours Fax: 866-669-0894

**After hours, weekends and holidays**

After Hours Phone: 630-875-8270 Option 1,2

After Hours Fax: 865-777-8333

**1. REQUESTOR INFORMATION**

Law Enforcement Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Requested By (Printed Name): \_\_\_\_\_

Contact #: \_\_\_\_\_ Fax #: \_\_\_\_\_

**2. U.S. CELLULAR SUBSCRIBER INFORMATION**

Emergency Request for Wireless #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name of Wireless Subscriber: \_\_\_\_\_

Information Requested: \_\_\_\_\_

**3. FOR 911 EXIGENT CIRCUMSTANCES (SUBSCRIBER INFO) COMPLETE THE FOLLOWING:**

This office received a 911-distress call for assistance for the above-listed U.S. wireless telephone number on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ A.M./P.M. Based upon that call, I believe that one or more people face immediate danger of death or serious physical injury. I request that you promptly provide me with the current subscriber name and billing address for the above-referenced wireless number so that we may render assistance to this individual(s).

**4. ATTESTATION**

I hereby attest that the information provided above is, to the best of my knowledge, truthful and accurate and that: (a) an emergency situation exists that involves (i) immediate danger of death or serious physical injury to a person, (ii) conspiratorial activities threatening the national security interest, or (iii) conspiratorial activities characteristic of organized crime, that requires a wire, oral, or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and there are grounds upon which an order could be entered to authorize such interception.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



**EMERGENCY PEN REGISTER / TRAP AND TRACE**  
**EMERGENCY WIRETAP FORM**

**FAX TO:** **U.S. Cellular Subpoena & Cloning Department**  
**Monday-Friday 8:00 a.m. – 5:00 p.m. CST**

Business Hours Phone: 630-875-8270

Business Hours Fax: 866-669-0894

**After Hours, Weekends and Holidays**

After Hours Phone: 630-875-8270

After Hours Fax: 865-777-8333

**1. REQUESTOR INFORMATION**

Law Enforcement Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Requested By (Printed Name): \_\_\_\_\_

Contact #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Date: \_\_\_\_\_

**2. U.S. CELLULAR SUBSCRIBER INFORMATION**

Emergency Request for Wireless #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name of Wireless Subscriber: \_\_\_\_\_

Other Relevant Information: \_\_\_\_\_

**3. REQUESTED ACTION**

☐ Emergency Pen Register and Trap and Trace (Complete Sections 4 and 5)

☐ Emergency Wiretap (Complete Sections 4 and 5)



## Exhibit 4

4. **For Emergency Pen Register, Trap and Trace and Wiretap Intercept, Complete the Following:**

Describe the situation and request: \_\_\_\_\_

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**If U.S. Cellular is not provided with an Order approving this interception within forty-eight (48) hours after the installation of the Pen Register, Trap and Trace, and/or Wiretap, U.S. Cellular will, without notice, immediately terminate this interception.**

5. **ATTESTATION**

I hereby attest that the information provided above is, to the best of my knowledge, truthful and accurate and that: (a) an emergency situation exists that involves (i) immediate danger of death or serious physical injury to a person, (ii) conspiratorial activities threatening the national security interest, or (iii) conspiratorial activities characteristic of organized crime, that requires a wire, oral or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and there are grounds upon which an order could be entered to authorize such interception.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name