William B. Petersen
General Counsel

Verizon Wireless
One Verizon Way
VC43E024
Basking Ridge, NJ 07920-1097

Phone 908 559-5695
Fax 908 559-7397
william.petersen@verizonwireless.com

October 3, 2013

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

Dear Senator Markey:

I am writing in response to your September 12, 2013 letter to Lowell C. McAdam, President and Chief Executive Officer of Verizon Communications Inc., inquiring about Verizon Wireless' practices when responding to requests for customer information from law enforcement.

Protecting our customers' privacy is one of Verizon Wireless' highest priorities. Yet, as your letter indicates, Verizon Wireless has a legal obligation to provide customer information to law enforcement in many situations. Law enforcement demands for customer information are typically accompanied by a warrant, a court order, or a subpoena. Verizon Wireless carefully reviews each of these legal demands and has in place a process to ensure that we fulfill our legal obligations to provide information only when authorized by law. We also receive "emergency requests" from law enforcement, in which a law enforcement officer certifies that there is an emergency involving the danger of death or serious physical injury that requires disclosure without delay; we fulfill these requests pursuant to a process and as authorized by law.

As you noted with regard to law enforcement's investigation of the Boston Marathon bombings, mobile phone information has become a uniquely important tool for law enforcement to protect citizens and bring wrongdoers to justice. Given the central role mobile devices play in our society and that there are more mobile devices than people in the United States, it comes as no surprise that wireless carriers receive from law enforcement a significant number of demands for customer data. In fact, the industry as a whole has in recent years experienced a substantial increase in these demands: the number of requests to Verizon Wireless has approximately doubled in the last five years, a trend that appears to be consistent with the industry in general.

We provide answers to your specific questions below.

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

In 2012, Verizon Wireless received approximately 270,000 requests for information from law enforcement in criminal cases.

a. ***Within that total, please list the amount of requests your company received for <u>each</u> 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 on URLs visited).***

Historical Call Detail Information and Subscriber Information: In 2012, Verizon Wireless received approximately 135,000 subpoenas from law enforcement. As you are aware, the information that law enforcement may obtain through a subpoena is limited to specific categories, generally basic subscriber information or historical call detail records – the information traditionally disclosed on a customer's bill. See 18 U.S.C. § 2703(c)(2)(A-F). Last year we also received approximately 40,000 court orders that required us to release the same categories of information that can be obtained through a subpoena.

Verizon Wireless does not track how many subpoenas were received for information in a specific category, although more subpoenas sought subscriber information than historical call detail information. (A typical subpoena for subscriber information simply seeks the name and address associated with a specific mobile device number.)

Location Information and "Cell Tower Dumps": Unless a customer consents to the release of the information or law enforcement certifies that there is an emergency involving danger of death or serious physical injury, Verizon Wireless does not release location information to law enforcement without a signed warrant or order from a judge. In 2012, we received approximately 30,000 warrants or orders for location information. About eight percent of those legal demands were for "cell tower dumps."

Verizon Wireless does not provide "real-time" location information to law enforcement. Nor do we track a device by "pinging" it real-time for law enforcement.

Text Message Content: We received approximately 12,000 demands for stored text message content. It is our practice to require a probable cause warrant signed by a judge to release stored text message content, unless a customer consents to the release of his or her stored text messages or law enforcement certifies that there is an emergency involving danger of death or serious physical injury.

Wiretaps, Pen Registers and Trap and Traces: In 2012, Verizon Wireless received approximately 1,000 court orders to assist with wiretaps. We also received approximately 5,000 court orders to assist with pen registers and traps and traces last year.

Data: In 2012, we received approximately 6,000 legal demands for "data," such as orders or subpoenas to link the IP address used by a customer at a specific time with his or her name.

Voicemails: We received approximately 70 warrants or court orders in 2012 regarding voicemails.

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

In 2012, of the approximately 270,000 total requests to Verizon Wireless from law enforcement, approximately 30,000 were emergency requests. Under Verizon Wireless' established process, to request data in an emergency, a law enforcement officer must certify in writing that pursuant to federal law there was an emergency involving the danger of death or serious physical injury that required disclosure without delay. Based on such a certification, we respond to these requests according to our processes and as authorized by law. These emergency requests are made in response to life threatening emergency situations such as active violent crimes, bomb threats, hostage situations, kidnappings, and fugitive scenarios. In addition, many emergency requests are in search and rescue settings or otherwise hope to locate a missing child or elderly person.

c. 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?

Verizon Wireless does not track the number of law enforcement requests to which information is or is not provided. We do not provide some or all of the information sought by many requests. We will not release information if the legal process facially fails to comply with the law (e.g., if the legal process is not signed or a subpoena is used when different legal process is required). Moreover, in many instances, law enforcement seeks information that Verizon Wireless does not have or no longer retains.

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

Verizon Wireless does not track how many demands are from Federal, state or local authorities.

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

In general, we retain these records for one year, although subscriber information and customer bills are retained for longer periods and text message content has generally been retained for less than a week.

3. ***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?***

Verizon Wireless does not track the periods of time covered by law enforcement demands for cell tower dumps. These tower dumps generally identify the mobile devices that communicated with one or more specific cell towers during the requested time period. Except for an emergency

involving danger of death or serious physical injury, we do not release this type of information without a warrant or order signed by a judge.

Although we do not specifically track the details of each tower request, our experience is that we typically receive requests for less than 30 minutes (e.g., where law enforcement is already able to pinpoint the time of a crime). But we also receive requests covering more than an hour (e.g., where there has been a crime spree). When we receive a demand for a longer period, cognizant that the cell tower dump will contain many mobile device numbers, we will often ask law enforcement to narrow the scope of the time period or accept reports run for shorter, incremental periods, even if the longer time period was approved by a judge. The number of mobile device numbers per cell tower dump depends on many factors including the location of the tower and the time day. A major event (like the Boston Marathon) may lead to a substantial increase in the number of mobile device numbers communicating with a tower at a given time.

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

The law and specific orders preclude us from providing this information. Each year, however, the Attorney General must report to Congress the total number of applications made and orders granted by the FISA court compelling the production of tangible things under section 1861. See 50 U.S.C. § 1862.

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

Verizon Wireless has a dedicated team that reviews every request from law enforcement and does not release customer information unless authorized by law. We have a group that reviews only subpoenas and a group that specializes in responding to warrants and orders. As part of our review, we will consider the specific form of legal process at issue, the requirements therein, and the information sought. We will not release information if the legal process facially fails to comply with the law (e.g., is not signed or a subpoena is used when different legal process is required). In many instances, law enforcement seeks information that Verizon Wireless does not have or no longer retains.

a. ***What legal standards do you require law enforcement to meet for <u>each</u> type of usage in 1(a)?***

See answers to questions 1(a) and (b) above.

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

Yes. A non-emergency request for location information must be accompanied by a warrant or an order. Consistent with federal law (e.g., 18 U.S.C. §2702(c)(4)), Verizon Wireless will release information regarding the location of a device without a warrant or order in an emergency involving danger of death or serious physical injury.

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

No.

6. ***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?***

Verizon Wireless is unaware of any misuse of cell phone tracking by police departments.

7. ***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?***

Verizon Wireless is aware that law enforcement authorities may use their own tracking equipment. We only release location information in response to a warrant, court order or an emergency involving danger of death or serious physical injury.

8. ***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 has your company received? And if yes, how much does your company typically charge for specific services (please refer to the list in 1(a) above)?***

Federal law authorizes carriers to charge a "reimbursement" fee for responding to legal demands for records (see 18 U.S.C. § 2706(a)) or to recoup "reasonable expenses" in complying with a wiretap order or a pen register or trap and trace order (see 18 U.S.C. §§ 2518(4), 3124(c)). In the majority of instances, however, Verizon Wireless does not seek reimbursement for responding to law enforcement requests. We do not charge for responding to subpoenas or emergency situations.

When we do charge for complying with demands from law enforcement, our fees are permitted by law or court order and seek to recoup only some of our costs. In the past few years, we have charged only to retrieve text message content or for the services we provide in response to wiretap orders, pen register orders or trap and trace orders. We charge $50 to retrieve up to five days of stored text message content. For a wiretap order we charge $775 (or cap our charge at $1,825 if multiple switches are involved) for a new 30 day order and pro-rate the charges for orders that last fewer than 30 days. There is an additional monthly charge of $500 (or $1,250 if multiple switches are involved) when we receive an order to renew a wiretap. For a pen register or trap and trace order, we charge approximately $470 (or cap our charge at $1,100 if multiple switches are involved) for a new 30 day order and, again, pro-rate the charges for orders that last fewer than 30 days. There is an additional monthly charge of $300 (or $750 if multiple switches are involved) when we receive an order to renew a pen register or trap and trace. We collected

less than $5 million in 2012 from complying with the many court orders or warrants we receive for wiretaps, pen registers, traps and traces and text message content.

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?***

Verizon Wireless does not seek reimbursement when we provide information to law enforcement in emergencies.

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

The last fee schedule we created was in August 2009; we have not updated it to reflect our new practices and have not distributed it for some time. Our current fees are stated in the response to question 8.

Sincerely,

William B. Petersen