



October 1, 2013

Honorable Edward J. Markey  
United States Senate  
Suite SR-218  
Russell Building  
Washington, D.C. 20510-2107

Dear Senator Markey,

We are in receipt of your letter of September 12, 2013 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Gockley".

John C. Gockley  
Vice-President, Legal and Regulatory Affairs

## Attachment A

1. In 2012, how many requests has your company received from law enforcement to provide information about your customers' phone usage?
  - a. Within that total, please list the amounts 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 messaging content; 4) Voicemail; (5) Cell tower dumps; 6) Wiretapping; 7) Subscriber information; 8) Data requests (e.g., Information on URLs visited).
  - b. Within that total, how many of the requests were made in emergency circumstances, and how many were in non-emergency situations?
  - 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?
  - d. 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.

In 2012, U.S. Cellular received over 20,588 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, geolocation information (PING), cell tower records, text message content, 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 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 for 2012. As noted in its response in May of 2012, U.S. Cellular uses a database program ("Remedy Program") in order to track and respond to lawful requests. The table includes all

requests submitted and is not limited to requests by law enforcement. Based on information in the Remedy Program, requests are broken into the following 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. U.S. Cellular is unable to categorize the information further. Exhibit 2 and Exhibit 3 are the form letters for “denial because information is needed” and “denial because information is not available.”

<b>Year</b>	<b>Method of Request</b>	<b>Complied</b>	<b>Need Information</b>	<b>Information Not Available</b>	<b>Resolution Not Recorded</b>	<b>Total</b>
<b>2012</b>	<b>Court Order</b>	1398	6	6	20	1430
	<b>E911</b>	4151	11	176	166	4504
	<b>Grand Jury</b>	745	2	8	4	759
	<b>Letters</b>	1683	11	10	266	1970
	<b>Pen Register</b>	355	1	2	19	377
	<b>Police Report</b>	41	2	0	2	45
	<b>Search Warrant</b>	675	8	11	8	702
	<b>Subpoena</b>	10,410	30	54	307	10,801
	<b>Wiretap</b>	2	0	0	0	2
<b>Total</b>						20,588

**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). The Exigent Form is 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. For each type of usage in 1(a), how long does your company retain records?**

U.S. Cellular retains records as needed to provide its services or as the applicable rules and regulations require.

Type Of Information	Record Retention
Geolocation of Device	Real –time (no retention); but may be available through cell tower dump records
Call Detail Records (pen register and trap and trace)	Historical records are retained for 1 rolling calendar year.
Text message content	3-5 days from the date the message was sent.
Voicemail	Voicemail service provided by a third party vendor, U.S. Cellular has no access to the information
Cell tower dump records	1 year for rolling calendar year
Wiretapping	Real-time; no retention
Subscriber Information	7 years after customer becomes inactive
Data Requests	Real –time; no retention

**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 cell tower dump information that your company provides, on average how many mobile device numbers are turned over to law enforcement?**

The average time requested for cell tower dump records is 15 minutes. U.S. Cellular does not charge for cell tower dump records if the request is for less than one-half hour. U.S. Cellular cannot speculate as to the number of mobile device numbers provided in a response to a cell tower dump request because the volume of information is dependent upon: (i) the time of day for which the information is requested; (ii) the capacity of the cell tower equipment; and (iii) the location of the cell tower, such as in heavily populated or lightly populated areas.

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

Under the provisions of Section 215 of the Patriot Act, U.S. Cellular is prohibited from disclosing the existence of any such requests.

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

- a. **What legal standard do you require law enforcement to meet for each type of usage in 1(a)?**
- 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?**
- c. **Have any of these practices changed since your May 2012 correspondences?**

Type of Information	Legal Standard
Geolocation of Device	Emergency Request – Exigent Circumstances Letter  Non-Emergency Request – Search Warrant or Court Order to obtain Cell Tower records.
Call Detail Records (pen register and trap and trace)	Title III Court Order, FISA Order
Text messaging content	Search Warrant, Court Order
Voicemail	Search Warrant, Court Order; but U.S. Cellular is unable to provide information
Cell Tower dumps	Search Warrant, Court Order

Wiretapping	Title III Court Order, FISA Order
Subscriber Information	Civil subpoena, Court Order
Data requests	Court Order, but U.S. Cellular is unable to provide this type of information

As noted in the response to Question #1, U.S. Cellular provides a General Information sheet to law enforcement and attorneys about its processes. Each request is recorded 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.

U.S. Cellular 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. U.S. Cellular has not changed its processes since the last response in May 2012.

- 6. Did your company encountered 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?**

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

- 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?**

U.S. Cellular is unaware of law enforcement using its own phone tracking equipment. As noted in the General Information sheet, the U.S. Cellular does provide the information for pen registers and wiretaps to law enforcement's own equipment pursuant to a Title III Court Order.

- 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 did your company receive? And if yes, how much does your company typically charge for specific services (please refer to list in 1(a) above)?**
- 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.**

For 2012, U.S. Cellular collected a total of approximately \$241,000 in exchange for providing information to law enforcement. However, based on Section §2706 of the Stored Communications Act, 18 U.S.C.A. §2706, U.S. Cellular does not charge law enforcement for subscriber information and other customer records. Thus, the amounts collected were for setting up and monitoring pen register, trap and trace and wiretap requests and any expedited requests. With regard to an emergency request, U.S. Cellular does not charge different fees for the underlying services, but charges an additional fee to expedite 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 and the expedited fees do not apply. 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.

## 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 3 Specialists.

All Subpoena 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. Due 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 a possible “*(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 document before any information is released.
3. Subscriber information or PINGS (which provides the location of the phone) are the normal requests received on exigent forms.

## **Requirements of a Subpoena**

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

Search Warrant or Court Orders are required to release:

- content of text messages
- PING – This shows what cell towers were used to connect a call. This provides a general location of the phone.
  - The follow are transmitted 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).

On occasion subpoena request 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 is not signed or contains complete 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**

\* charges to Law Enforcement agencies are highlighted in yellow.

- 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**
- 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



[insert date]

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



[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:



**911 EXIGENT CIRCUMSTANCES FORM**

Telephone: 630-875-8270 Fax: 866-669-0894

Email: subpoena.compliance@uscellular.com

**(Please call after sending form)**

**1. REQUESTOR INFORMATION**

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

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

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

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

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

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

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

**Please check information needed**

**Subscriber**

**Last 24 Hours of call history**

**Ping (phase one, tower location and sector)**

**Other: \_\_\_\_\_**

**Please indicate reason if not a 911 call: \_\_\_\_\_**

\_\_\_\_\_

**3. FOR 911 EXIGENT CIRCUMSTANCES 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.**

**Date:** \_\_\_\_\_

**Signature** \_\_\_\_\_