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General Counsel



Tuesday, May 22, 2012

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The Honorable Edward J. Markey
United States House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515

Dear Representative Markey:

I am writing in response to your May 2, 2012 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 93 million customers' privacy is one of Verizon Wireless' highest priorities. Yet we also have a legal obligation to provide customer information to law enforcement in certain 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, but only when authorized by law.

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, we do not release location information to law enforcement without a signed warrant or order from a judge.

Moreover, we do not "sell [our] customers' personal information to law enforcement." Rather, we comply with legal process requiring us to provide specific information. In most instances, as explained below, we do not even charge a fee for responding to legal process. In those circumstances where we do charge law enforcement, we do so in accordance with law and seek reimbursement for only a portion of our reasonable expenses.

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 denied any requests, for what reasons did it issue those denials?

In 2011, Verizon Wireless received approximately 260,000 requests for customer information from law enforcement. About half of these requests were subpoenas; generally speaking, law enforcement can only seek subscriber or call detail records (the type of information on a phone bill) through a subpoena. See 18 U.S.C. § 2703(c)(2)(A-F). The other half were warrants and orders (generally for phone bill information, wiretaps, pen registers, traps and traces, text message information and location information) or emergency requests. Over the past five years, the number of requests has grown an average of about 15% each year.

Verizon Wireless has a dedicated team that reviews every request from law enforcement and does not release customer information unless authorized by law. We will not release information if the legal process from law enforcement facially fails to comply with the law (e.g., is not signed or a subpoena is used when different legal process is required). In some instances, law enforcement seeks information that Verizon Wireless does not have. Verizon Wireless does not in the ordinary course of business track the number of law enforcement requests to which information is provided, or is not provided for any of the reasons above.

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

As explained in response to question 1, we have a team of trained employees and managers that reviews and, if appropriate, responds to these demands. We have a group dedicated only to subpoenas and have team members that specialize in responding to warrants and orders.

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

As explained in response to question 1, Verizon Wireless reviews every request from law enforcement and does not release customer information unless authorized by law. As part of that review, we will consider the specific form of legal process at issue and the directives therein. Again, we have a group dedicated to reviewing only subpoenas and team members that specialize in responding to warrants and orders.

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?

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.

- 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, has your company responded?***

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

- 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)?***

As explained in response to question 1, Verizon Wireless has a dedicated team of approximately seventy that works 24 hours a day, seven days a week. The team is trained to respond to lawful demands for customer information in accordance with applicable law.

- 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?***

We do not cooperate with police departments in the use of their own tracking equipment. We do comply, however, with valid warrants or court orders or in an emergency involving danger of death or serious physical injury (as described on page 1).

- 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)?***

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 have been reimbursed between approximately three and five million dollars in each of the last five years for complying with the many court orders 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 as described in response to question 2b.

- b. Please include any written schedule of any 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 6.

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

No.

Sincerely,



William B. Petersen