

Feb 13, 2019
Via ECFS Filing

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: Tri-County Fiber Communications
EB Docket No. 06-36; CY2018

Dear Ms. Dortch:

Attached for filing is the initial CPNI Compliance Certification and Statement Regarding CPNI Operating Procedures and Compliance as required by 47 C.F.R. Section 64-2009 (e) submitted on behalf of Tri-County Fiber Communications.

Any questions you may have regarding this filing should be directed to my attention at (616) 293-5880 or via email to terie@pulsebroadband.net. Thank you for your assistance in this matter.

Sincerely,

/s/Terie Hannay

Terie Hannay

Consultant to Tri-County Fiber Communications

cc: Paul Thompson and Tammy Dixon, Tri-County Fiber Communications

Enclosures

TRI-COUNTY FIBER COMMUNICATIONS
CPNI OPERATING PROCEDURES

INTRODUCTION

Federal law and FCC regulations require that telecommunications carriers limit use, disclosure, and access to Customer Proprietary Network Information (“CPNI”). The FCC recently revised the definition of “telecommunications carrier” to include interconnected VoIP providers for the purposes of the CPNI rules.

There are two main concerns behind the CPNI law and regulations:

- **To prevent the disclosure of CPNI to “pretexters.”** To thwart pretexters, FCC regulations specify detailed customer authentication procedures that a carrier must follow before disclosing CPNI to a person claiming to be the customer.
- **To prevent the use of CPNI for unauthorized marketing purposes.** To this end, federal law and regulations prohibit use, disclosure, and access to CPNI without customer consent for certain marketing purposes.

Compliance with these rules is critical: The FCC has stated that “there may be no more important obligation on a carrier's part than protection of its subscribers' proprietary information,” and requires carriers to establish operating procedures adequate to ensure compliance with the CPNI regulations. The FCC has extracted six-figure payments from carriers for their failure to comply with the regulations, including for mere recordkeeping violations such as the failure to execute an annual compliance certificate.

We have prepared a checklist of CPNI Operating Procedures to assist TRI-COUNTY FIBER COMMUNICATIONS in dealing with CPNI under federal law and the FCC's regulations.

NOTE: BECAUSE TRI-COUNTY FIBER COMMUNICATIONS DOES NOT CURRENTLY SELL OR USE CPNI FOR MARKETING, THESE CPNI OPERATING PROCEDURES DO NOT INCLUDE PROVISIONS ON OBTAINING CUSTOMER CONSENT FOR THOSE PURPOSES. BEFORE USING, DISCLOSING, OR ALLOWING ACCESS TO CPNI FOR ANY PURPOSE THAT WOULD REQUIRE CUSTOMER CONSENT,¹ TRI-COUNTY FIBER COMMUNICATIONS WILL BE REQUIRED TO IMPLEMENT ADDITIONAL PROCEDURES.

¹ See page 5 for an explanation of when customer consent is necessary.

TRI-COUNTY FIBER COMMUNICATIONS CPNI OPERATING PROCEDURES

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I. POLICY

It is the policy of TRI-COUNTY FIBER COMMUNICATIONS to comply with the laws and regulations applicable to CPNI, and to ensure that CPNI be kept confidential, except for any use, disclosure, and access to CPNI as is permitted by 47 USC § 222 and the FCC's CPNI rules (47 CFR §§ 64.2001 – 64.2011). Accordingly, TRI-COUNTY FIBER COMMUNICATIONS has instituted these CPNI Operating Procedures.

The CPNI Compliance Supervisor identified in Section III.A below shall be responsible for the implementation of these CPNI Operating Procedures.

II. DEFINITIONS

Below are the definitions applicable to TRI-COUNTY FIBER COMMUNICATIONS CPNI Operating Procedures. Note that when a defined term appears in these Operating Procedures, it is generally highlighted in bold type for ease of reference.

Account information. Information that is specifically connected to the customer's service relationship with the carrier, including any component of an account number, the telephone number associated with the account, or the amount of a bill.

Address of record. A postal or electronic address that the carrier has associated with the customer's account for at least 30 days.

Breach. When a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.

Call detail information. Any information that pertains to the transmission of specific telephone calls, including:

- For outbound calls, the number called, and the time, location, or duration of any call.
- For inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

Communications-related services. Telecommunications services, information services typically provided by telecommunications carriers (such as Internet access or voice mail services), and services related to the provision or maintenance of customer premises equipment. This definition does not include cable television services.

CPNI. In short, CPNI is information on the types of service to which the customer subscribes, and the customer's call detail information.² The legal definition is:

² Note that aggregate customer information (information from which individually identifiable information has been removed) and subscriber list information (listed name, address and telephone number information) are not CPNI, and are not subject to the FCC's CPNI regulations.

- “(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and
- (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information.”

Customer. A person or entity to which the telecommunications carrier is currently providing service.

Opt-in approval. Affirmative, express consent from a customer allowing CPNI usage, disclosure, or access after the customer is provided with notification of the carrier’s request for the use, disclosure, or access in accordance with the FCC’s rules.

Opt-out approval. Implied consent to the use, disclosure of, or access to CPNI after the customer fails to object following notification of the carrier’s request for the use, disclosure of, or access to CPNI in accordance with the FCC’s rules.

Readily available biographical information. Information drawn from the customer’s life history, including social security number (or the last four digits of the SSN), mother’s maiden name, home address, or date of birth.

Subscriber list information. Subscriber names, addresses, telephone numbers, and primary advertising classifications that the carrier has published or has accepted for publication in a directory.

Telephone number of record. The telephone number associated with the underlying service, but not the telephone number supplied as a customer’s contact information.

Valid photo ID. An unexpired, government-issued means of personal identification with a photograph, such as a driver’s license, passport, or comparable ID.

III. CHECKLIST OF GENERAL OPERATING PROCEDURES

A. CPNI Compliance Supervisor

[] TRI-COUNTY FIBER COMMUNICATIONS shall have at all times a CPNI Compliance Supervisor to supervise the implementation of TRI-COUNTY FIBER COMMUNICATIONS CPNI Operating Procedures. The current CPNI Compliance Supervisor is:

Name: Tammy Dixon
Phone Number: 615-666-2111
Email Address: TDixon@tcemc.org

B. Safeguarding CPNI from unauthorized disclosure

- [] TRI-COUNTY FIBER COMMUNICATIONS shall take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.
- [] CSRs shall properly authenticate a customer's identity using the procedures below before disclosing CPNI during customer-initiated telephone calls, online account access, or an in-store visit.

1. Customer-initiated telephone calls – identity authentication procedures

Customer wants call detail information	Customer wants non-call detail information (example: minutes of use)
<ul style="list-style-type: none">• Customer must provide password not prompted by carrier asking for readily-available biographical information or account information; or• CSR may send requested information to address of record; or• CSR may call customer at telephone number of record to discuss information; or• If customer can provide call detail information without CSR assistance, CSR may discuss that specific call detail information.	<ul style="list-style-type: none">• CSR must authenticate customer, and may use readily available biographical information or account information.

2. Online Access – identity authentication procedures

- [] TRI-COUNTY FIBER COMMUNICATIONS shall authenticate the identity of a customer without the use of **readily available biographical information** or **account information** before allowing online access to CPNI.
- [] TRI-COUNTY FIBER COMMUNICATIONS shall request that the customer establish a password at the time the customer establishes his or her account.

- [] TRI-COUNTY FIBER COMMUNICATIONS shall request that the customer establish a “shared secret” at the time the customer establishes his or her account.³

- [] Once a customer is authenticated, TRI-COUNTY FIBER COMMUNICATIONS shall allow the customer online access to CPNI only through a password that is not prompted by asking for **readily available biographical information** or **account information**.

3. In-person Access to CPNI – identity authentication procedures.

- [] Personnel may disclose CPNI to a customer at a retail location only if the customer presents a valid photo ID.

4. Business customers.

TRI-COUNTY FIBER COMMUNICATIONS may provide different authentication procedures for business customers if:

- [] TRI-COUNTY FIBER COMMUNICATIONS provides a dedicated account representative for the customer; and
- [] The contract with the customer specifically addresses TRI-COUNTY FIBER COMMUNICATIONS protection of CPNI.

5. Lost or forgotten passwords

- [] For a customer who has lost or forgotten his or her password, TRI-COUNTY FIBER COMMUNICATIONS shall authenticate the customer’s identity before providing the password without using **readily available biographical information** or **account information**. Instead, TRI-COUNTY FIBER COMMUNICATIONS shall use at least one of the following methods to authenticate the customer:

- [] “Shared secret” authentication.
- [] Call the customer at the **telephone number of record**.
- [] Forward a PIN to the customer via voicemail or text message to the **telephone number of record**, or by mailing it to the **address of record**.
- [] Review **valid photo ID** presented at TRI-COUNTY FIBER COMMUNICATIONS retail locations.

³ In this method, the carrier asks the customer to respond to a question the answer to which is not widely known. For example: “What was the name of your first pet?” or “In which city was your mother born?”

C. Use of CPNI by TRI-COUNTY FIBER COMMUNICATIONS: When is customer approval needed?

There are a number of reasons that TRI-COUNTY FIBER COMMUNICATIONS would use a customer's CPNI: (i) to provide the customer's VoIP services, (ii) to bill and collect for the VoIP services, and (iii) to target-market additional services. The FCC's regulations allow TRI-COUNTY FIBER COMMUNICATIONS to use CPNI without customer approval for some of these activities. For others, the FCC requires either "**opt-out approval**" or "**opt-in approval**." The chart below provides a quick reference for when customer approval is and is not required.

Because TRI-COUNTY FIBER COMMUNICATIONS has not instituted procedures to obtain opt-out or opt-in approval for use of CPNI, TRI-COUNTY FIBER COMMUNICATIONS shall contact counsel before conducting any activities that would require customer approval.

<u>No</u> customer approval required	Opt-out approval required	Opt-in approval required
Initiating, rendering, billing and collecting for the customer's TRI-COUNTY FIBER COMMUNICATIONS voice services.	Marketing communications-related services , such as Internet access services.	<u>All other uses of CPNI</u> , including marketing TRI-COUNTY FIBER COMMUNICATIONS data services.
Marketing service offerings among the categories of service (the FCC lists "local, interexchange and CMRS" as examples of categories of service) to which the customer already subscribes.	Disclosure of and access to CPNI by agents and any affiliates that provide communications-related services so that they can market those services.	
If the customer subscribes to more than one category of TRI-COUNTY FIBER COMMUNICATIONS service (i.e., local and interexchange), TRI-COUNTY FIBER COMMUNICATIONS may share CPNI with an affiliated entity if the affiliated entity provides a service offering to the customer.		
Providing inside wiring installation, maintenance, and repair services.		
Marketing adjunct-to-basic services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call tracking, call waiting, caller ID, call forwarding, etc.		
Protecting TRI-COUNTY FIBER COMMUNICATIONS rights or property, or protecting users of TRI-COUNTY FIBER COMMUNICATIONS voice services and other carriers from		

fraudulent, abusive, or unlawful
use of or subscription to, the
services.

D. Uses of CPNI that do not require customer approval.

Under federal law and the FCC's CPNI regulations, there are certain purposes for which a carrier does not need customer approval to use CPNI. The rationale for these exclusions from the general rule is that these purposes are within the established carrier-customer relationship, and the customer has therefore given implied consent for the use or disclosure of CPNI for these purposes. TRI-COUNTY FIBER COMMUNICATIONS can use CPNI without customer approval for all of the following purposes:

- Initiating, rendering, billing, and collecting for TRI-COUNTY FIBER COMMUNICATIONS voice services.
- Marketing TRI-COUNTY FIBER COMMUNICATIONS service offerings among the categories of service to which the customer already subscribes.
- Providing inside wiring installation, maintenance, and repair services.
- Marketing adjunct-to-basic services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller ID, and call forwarding.
- Protecting TRI-COUNTY FIBER COMMUNICATIONS rights or property, or protecting users of the TRI-COUNTY FIBER COMMUNICATIONS voice services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, the services.

All other uses of CPNI require notice and **opt-out approval** or **opt-in approval**.

E. Training and disciplinary procedures

TRI-COUNTY FIBER COMMUNICATIONS must provide CPNI training to its personnel to ensure compliance with the FCC's CPNI regulations:

- [] TRI-COUNTY FIBER COMMUNICATIONS shall train its personnel as to when they are and are not authorized to use CPNI.
- [] TRI-COUNTY FIBER COMMUNICATIONS shall implement an express disciplinary process for misuse of CPNI (a model disciplinary policy is attached as Appendix 1).
- **Filing, notice, and recordkeeping requirements**

1. Filing requirements

- ☐ The CPNI Compliance Supervisor shall have an officer sign and shall file with the FCC a compliance certificate each March 1st in EB Docket No. 06-36.
- ☐ The certificate shall contain a statement that the officer has personal knowledge that TRI-COUNTY FIBER COMMUNICATIONS has established operating procedures that are adequate to ensure compliance with the CPNI rules.
- ☐ The CPNI Compliance Supervisor shall include with the certificate a statement explaining how TRI-COUNTY FIBER COMMUNICATIONS operating procedures ensure that TRI-COUNTY FIBER COMMUNICATIONS is in compliance with the CPNI rules.
- ☐ The CPNI Compliance Supervisor shall include with the certificate an explanation of any action taken against data brokers.
- ☐ The CPNI Compliance Supervisor shall include with the certificate a summary of all customer complaints received in the past year based on unauthorized release of CPNI.

A model compliance certificate and the required attachments are attached as Appendix 2.

2. Notice requirements

Customer notifications

- ☐ Except upon initiation of service, TRI-COUNTY FIBER COMMUNICATIONS shall immediately notify a customer whenever the following are created or changed:
 - ☐ A password
 - ☐ Customer response to a back-up means of authentication for lost or forgotten passwords
 - ☐ Online account
 - ☐ Address of record
- ☐ The notification shall be made through a carrier-originated voicemail or text message to the **telephone number of record**, or by mail to the **address of record**. The notification shall not be sent to the new **account information**.
- ☐ The notification shall not reveal the changed information.
- ☐ TRI-COUNTY FIBER COMMUNICATIONS shall provide a CPNI notification at the initiation of service and on its website.

Notifications to federal agencies

- [] The CPNI Compliance Supervisor shall provide written notice to the FCC within 5 business days of any instance where the opt-out mechanisms do not work properly if the problem is more than an anomaly. The notice shall be in the form of a letter and shall include:

- [] TRI-COUNTY FIBER COMMUNICATIONS name and d/b/a;
- [] A description of the opt-out mechanism used;
- [] A description of the problem;
- [] The proposed remedy and when it will be implemented;
- [] Whether the appropriate state PSC has been notified and whether it has taken any action;
- [] A copy of the notice provided to customers; and
- [] Contact information for the CPNI Compliance Supervisor.

- [] In the event of a **breach** of a customer's CPNI, the CPNI Compliance Supervisor shall provide notice to the Secret Service and FBI as detailed in Section IV below.

3. Recordkeeping requirements

- [] The CPNI Compliance Supervisor shall maintain the following records related to marketing campaigns for at least one year.

- [] A record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall include:

- [] A description of each campaign;
- [] The specific CPNI used in each campaign; and
- [] The products or services offered as part of the campaign.

- [] Records of the CPNI Compliance Supervisor's approval of any proposed outbound marketing campaigns.

- [] Records of customer notifications and customer approvals (whether oral, written, or electronic).

- [] TRI-COUNTY FIBER COMMUNICATIONS shall maintain for two years a record of any (i) **breaches** discovered, (ii) notifications made to the Secret Service and FBI pursuant to Section IV of these CPNI Operating Procedures, and (iii) notifications made to customers. The record may be electronic and must include, if available:

- [] The dates of discovery and notification;
- [] A detailed description of the CPNI that was the subject of the **breach**; and
- [] The circumstances of the **breach**.

IV. SECURITY BREACHES

The FCC's regulations contain detailed procedures that TRI-COUNTY FIBER COMMUNICATIONS must follow in the event of a **breach** of a customer's CPNI:

- [] TRI-COUNTY FIBER COMMUNICATIONS shall notify the Secret Service and FBI of a **breach** of its customers' CPNI as provided below.
- [] TRI-COUNTY FIBER COMMUNICATIONS shall not notify its customers of a **breach** or disclose the **breach** publicly, whether voluntarily, under state or local law, or under the FCC's regulations, until it has completed the process of notifying the Secret Service and FBI as provided below.
- [] As soon as practicable, and in all cases within 7 business days after discovering the **breach**, TRI-COUNTY FIBER COMMUNICATIONS shall electronically notify the Secret Service and the FBI through a central reporting facility at <http://www.fcc.gov/eb/cpni>.
- [] TRI-COUNTY FIBER COMMUNICATIONS shall wait 7 full business days after it notifies the Secret Service and FBI of a **breach** before notifying customers or disclosing the **breach** to the public. After that time, TRI-COUNTY FIBER COMMUNICATIONS shall notify its customers of a **breach** of their CPNI (and may disclose the **breach** to the public) unless:
 - [] The relevant agency directs TRI-COUNTY FIBER COMMUNICATIONS not to disclose or notify its customers of the breach. In that case, TRI-COUNTY FIBER COMMUNICATIONS shall not do so until it is notified in writing by the agency that it may notify its customers or disclose the **breach** publicly.
- [] If TRI-COUNTY FIBER COMMUNICATIONS believes there is an extraordinarily urgent need to notify any class of customers sooner to avoid immediate and irreparable harm, TRI-COUNTY FIBER COMMUNICATIONS shall so indicate in its notification to the Secret Service and FBI, and may notify its customers only after consultation with the relevant agency. TRI-COUNTY FIBER COMMUNICATIONS shall cooperate with the relevant agency's request to minimize any adverse effects of customer notification.

APPENDIX 1

DISCIPLINARY POLICY

TRI-COUNTY FIBER COMMUNICATIONS takes seriously its obligations to protect confidential customer information, including customer proprietary network information ("CPNI"). A violation of TRI-COUNTY FIBER COMMUNICATIONS CPNI Operating Procedures will result in appropriate disciplinary action, and may involve discipline up to and including immediate dismissal.

APPENDIX 2

OFFICER'S CPNI COMPLIANCE CERTIFICATE

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2019 covering the prior calendar year 2018

Name of company(s) covered by this certification: TRI-COUNTY FIBER COMMUNICATIONS

Date Filed: Feb. 13, 2019

Form 499 Filer ID: 832420

Name of signatory: Paul Thompson

Title of signatory: Executive VP & General Manager

I, Paul Thompson, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

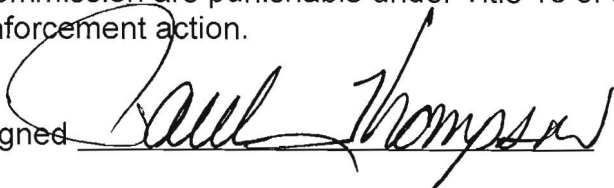
Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. .

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may be subject it to enforcement action.

Signed

A handwritten signature in black ink, appearing to read "Paul Thompson", is written over a horizontal line.

ATTACHMENT TO OFFICER'S CPNI COMPLIANCE CERTIFICATE

Statement Regarding CPNI Operating Procedures

TRI-COUNTY FIBER COMMUNICATIONS written CPNI Operating Procedures ensure that TRI-COUNTY FIBER COMMUNICATIONS will be in compliance with 47 U.S.C. § 222 and the rules contained in the Title 47, Chapter 1, Subchapter B, Part 64, Subpart U of the Code of Federal Regulations. Included among the provisions of TRI-COUNTY FIBER COMMUNICATIONS CPNI Operating Procedures are:

- A requirement that TRI-COUNTY FIBER COMMUNICATIONS have at all times a CPNI Compliance Supervisor to supervise the implementation of its CPNI Operating Procedures.
- Detailed procedures for safeguarding CPNI, including procedures for customer authentication and password protection of CPNI.
- Detailed procedures for determining what type of customer approval is necessary for use, disclosure of, and access to CPNI.
- A requirement that the billing system records for customers' accounts allow the status of the customer's CPNI approval to be easily ascertained.
- A requirement that personnel be trained as to when they are and are not authorized to use CPNI.
- A written disciplinary process for misuse of CPNI.
- Detailed filing, notice, and recordkeeping requirements.
- Detailed procedures to be followed in the event of a breach of CPNI.

TRI-COUNTY FIBER COMMUNICATIONS does not use, disclose, or allow access to CPNI for any purpose that would require customer approval under 47 U.S.C. § 222 or the rules contained in the Title 47, Chapter 1, Subchapter B, Part 64, Subpart U of the Code of Federal Regulations.