



RS Fiber Cooperative
Annual 47 CFR § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2018 covering the prior calendar year 2017:

1. Date filed: February 22, 2018
2. Name of company(s) covered by this certification: RS Fiber Cooperative ("RS Fiber Cooperative")
3. Form 499 Filer ID: 832064
4. Name of signatory: Kevin Lawaugie
5. Title of signatory: Board Chairman
6. Certification:

I, Kevin Lawaugie, 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 CFR § 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 (including those mandating the adoption of CPNI procedures, training, safeguards, recordkeeping, and supervisory review) set forth in section 64.2001 et seq. of the Commission's rules.

The company has not taken 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) against data brokers in the past year.

The company has not received 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 CFR § 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 subject it to enforcement action.

Signed 

Attachments: Accompanying Statement explaining CPNI procedures

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ATTACHMENT 1

STATEMENT REGARDING OPERATING PROCEDURES FOR COMPLIANCE WITH 47 C.F.R. PART 64 SUBPART U GOVERNING USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) February 22, 2018

The following statement explains how the operating procedures of RS Fiber Cooperative (“RS Fiber” or “Company”) ensure that it is in compliance with the Commission’s CPNI rules, as codified at 47 C.F.R. Part 64 Subpart U. This statement covers calendar year 2017. RS Fiber Cooperative contracts with Hiawatha Broadband Communications, Inc. (HBC) to manage the following services, along with other operations: personnel, billing, marketing, customer care, sales, installation, network operations, administrative and management. Accordingly, RS Fiber ensures that HBC complies with RS Fiber’s CPNI operating procedures and the references to RS Fiber shall include, where applicable, its contracted representative HBC.

I. Use of customer proprietary network information without customer approval.

A. RS FIBER may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from RS FIBER, without customer approval. RS FIBER presently offers local and Inter-Exchange Telecommunication services to its customers.

B. RS FIBER may not use, disclose, or permit access to CPNI to market to a customer, service offerings that are within a category of service to which the subscriber does not already subscribe from RS FIBER, unless RS FIBER has customer approval to do so, except as described in Section I.C.

(1) RS FIBER may use, disclose or permit access to CPNI derived from their provision of local exchange service or interexchange service without customer approval, for the provision of CPE and information services, such as call answering, voice mail or messaging, voice storage and retrieval services, and fax storage and retrieval services.

(2) RS FIBER may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. RS FIBER’s policies and procedures do not allow the use of local service CPNI to identify or track customers who call competing service providers.

C. RS FIBER may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) RS FIBER may use, disclose, or permit access to CPNI, in its provision of inside wiring installation, maintenance, and repair services.

(2) RS FIBER may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features.

D. RS FIBER may use, disclose, or permit access to CPNI to protect RS FIBER's rights or property; to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, the Company's services; and to render, provision, bill or collect for services.

II. Approval required for use of customer proprietary network information.

A. RS FIBER may obtain customer approval through written, oral or electronic methods. RS FIBER's policies and procedures require customer approval through written, oral, or electronic methods in accordance with FCC rules.

(1) Where RS FIBER obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's rules. RS FIBER's operating policies and procedures state where oral approval is obtained, the following documentation of customer consent is required: Date and time of conversation, customer name and address and CPNI approval or denial. This documentation must be delivered to the Company's CPNI Integrator.

(2) A customer's approval or disapproval obtained by RS FIBER to use, disclose, or permit access to the customer's CPNI the use of CPNI outside of the customer's total service relationship with RS FIBER must remain in effect until the customer revokes or limits such approval or disapproval. RS FIBER's policies and procedures comply with this requirement and clearly state a customer's decision to approve, limit or refuse the use of their CPNI information remains in effect until such time the customer notifies RS FIBER of a change.

(3) RS FIBER must maintain records of notification and approval, whether oral, written or electronic, for at least one year. RS FIBER's operating policies and procedures comply with the requirement. The CPNI Integrator is responsible for maintaining all records of notification and approval.

B. Use of Opt-Out and Opt-In Approval Processes.

(1) Except where use, disclosure, or access to CPNI is otherwise permitted without prior customer approval (as described above), RS FIBER only uses, discloses or permits access to CPNI upon opt-out or opt-in approval, consistent with Section 64.2007 of the Commission's rules and, with the December 8, 2007, Commission's amended rules. RS FIBER's policies and procedure comply with these requirements. Moreover, even in circumstances where prior customer approval is not required, RS FIBER's policies and procedures require all contracted personnel to confirm that the Company has entered into an appropriate confidentiality agreement before disclosing or providing access to CPNI to any joint venture partner or independent contractor.

(2) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, RS FIBER may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval. RS FIBER's policies and procedures comply with this requirement by requiring an Opt-In form to be signed by the customer giving approval to the Company. RS FIBER will further comply by seeking opt-in approval from a customer(s) prior to the disclosing of a customer's CPNI should it choose to use joint venture partners or independent contractors for the purpose of marketing RS FIBER communications services not within RS FIBER's total services to that customer.

III. Notice required for use of customer proprietary network information.

A. Notification, Generally.

(1) Prior to any solicitation for customer approval, RS FIBER must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) RS FIBER must maintain records of notification, whether oral, written or electronic, for at least one year. RS FIBER's policies and procedures comply with this requirement by assigning to the CPNI Integrator the responsibility to monitor and maintain all such records of customer notification for a minimum of one year.

B. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI. RS FIBER's policies and procedures comply with this requirement by obtaining approval through written notification and "opt-out" approval, which is mailed to all existing RS FIBER telephone customers in January of every even-numbered year. New customers receive written notification of their CPNI rights as part of a New Customer Welcome Kit.

C. Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit RS FIBER to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and RS FIBER has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, RS FIBER may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) RS FIBER may state in the notification that the customer's approval to use CPNI may enhance the Company's ability to offer products and services tailored to the customer's needs.

RS FIBER also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) RS FIBER may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from RS FIBER is valid until the customer affirmatively revokes or limits such approval or denial.

(10) RS FIBER's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

RS FIBER's policies and procedures comply with these requirements.

D. Notice Requirements Specific to Opt-Out.

RS FIBER must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) RS FIBER must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. RS FIBER may, in its discretion, provide for a longer period. RS FIBER must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as RS FIBER is using the opt-out mechanism, it must provide a Notice to its customers every two years.

(3) If RS FIBER uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) RS FIBER must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) RS FIBER must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to RS FIBER as undeliverable must be sent to the customer in another form before RS FIBER may consider the customer to have received notice;

(iv) RS FIBER must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) RS FIBER must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. RS FIBER may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

RS FIBER's policies and procedures comply with these requirements by obtaining customer approval through written notification and "opt-out" approval. HBC's Vice President of Finance is responsible for reviewing and approving the form and content of the Notice to customers. The CPNI Integrator is responsible to ensure the Notice is timely mailed to the then-existing customers of RS FIBER's telecommunications services. RS FIBER will also wait a 35-day period after mailing the Notice to allow customers an opportunity to opt-out. RS FIBER does not use an electronic method (i.e., e-mail) to provide notification or to obtain customer approval.

E. Notice Requirements Specific to Opt-In.

RS FIBER may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section. RS FIBER's policies and procedures comply with this requirement by defining the appropriate use of the "opt-in" method, the required Notice and a written approval form.

F. Notice Requirements Specific to One-Time Use of CPNI.

(1) RS FIBER may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether RS FIBER uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that RS FIBER may omit any of the following notice provisions if not relevant to the limited use for which RS FIBER seeks CPNI:

(i) RS FIBER need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) RS FIBER need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) RS FIBER need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as RS FIBER explains to customers that the scope of the approval RS FIBER seeks is limited to one-time use; and

(iv) RS FIBER may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as RS FIBER clearly communicates that the customer can deny access to his CPNI for the call.

RS FIBER's policies and procedures comply with this requirement by defining the appropriate procedure to obtain one-time oral consent for the duration of the call.

IV. Safeguards required for use and disclosure of customer proprietary network information.

A. RS FIBER must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

RS FIBER's policies and procedures comply with this requirement and require that the contracted Company's billing system identify the status of a customer's CPNI approval or denial, which can be clearly identified and established prior to any use or disclosure of CPNI.

B. RS FIBER permits the contracted personnel to release call detail information during a RS FIBER customer initiated telephone contact only if reasonable authentication procedures are complied with and (1) the customer provides the pre-established password, (2) at the customer's request, sends the call detail information to the customer's address of record provided the address of record has been associated with the account for at least thirty (30) days, or (3) or when the telephone number of record is called to disclose the call detail information. RS FIBER is permitted to create a back-up customer authentication method for lost or forgotten passwords. Personnel are also prohibited from releasing call detail information during a retail visit without the appropriate password or valid photo identification.

However, if the during a customer-initiated telephone contact, the customer was able to provide without assistance from the personnel, all of the call detail information necessary to address a customer service issue (i.e., the telephone number called, when it was called, and if applicable the amount charged for the call) then HBC personnel are permitted to proceed with its routine customer care procedures.

RS FIBER's policies and procedures comply with the requirement that was established December 8, 2007, for procedures for new and existing customers to obtain a pre-assigned non-biographical or non-account information-based password and back-up customer authentication method for lost or forgotten passwords. The policies and procedures further define where and how the password information is captured within the contracted Company's billing system. RS Fiber requires that the authorized employees have been trained on the new CPNI regulations.

C. RS FIBER must authenticate a customer without readily available biographical or account information prior to allowing the customer on-line access to CPNI related telecommunication service account. Once authenticated, the customer may only obtain on-line access to CPNI related telecommunications service account through a password.

RS FIBER is compliant with on-line protection by defining the procedures by which a customer must authenticate himself prior to being granted access to a telecommunications service on-line account. Authorization occurs by utilizing the pre-assigned password or answering the back-up authentication question. RS FIBER's policies and procedures further provide that access to a customer's account is blocked after three (3) unsuccessful attempts to log into the system. A customer's on-line account remains locked until customer authentication is verified.

D. RS FIBER requires that personnel are to notify customers immediately when a password or back-up means of authentication for lost or forgotten passwords, on-line account, or address of record is created or changed. Such notification is not required when the customer initiates service, including the selection of a password.

RS FIBER's policies and procedures complied with the regulation of immediate customer notification by the use of either a carrier-originated voicemail, text message to the telephone of record or by mail to the address of record provided the address of record has been associated with the account for at least thirty (30) days. RS FIBER's policies and procedures further define the process by which such account changes could occur, and the steps required by personnel in administering the required customer notification.

E. Business customers are exempt from the password requirements which became effective December 8, 2007, if: the customer is contractually bound to RS FIBER, is serviced by a dedicated- account representative as the primary contact, and within the contract, RS FIBER is responsible to address its CPNI obligations. If at any point the business customer must go through a call center to reach a customer service representative, then the exemption does not apply.

RS FIBER's policies and procedures comply with the regulation and define the authentication process required as business customers utilize the Customer Care call center for inquiries on their account, including call detail information. RS FIBER further complies by describing the required protection of the customer's CPNI with the contractual agreement.

F. Contracted personnel must train its personnel as to when they are and are not authorized to use CPNI, and HBC must have an express disciplinary process in place.

RS FIBER's policies and procedures comply with these requirements. All HBC personnel have been trained on the proper use of CPNI, including new hires. Individuals found to have violated the Company's CPNI policies and procedures will face disciplinary action up to immediate dismissal as outlined in HBC's employee handbook.

G. RS FIBER must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. RS FIBER shall maintain 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 must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. RS FIBER shall retain the record for a minimum of one year.

RS FIBER's policies and procedures comply with this requirement by maintaining an electronic record for one (1) year of its sales and marketing campaigns that use its customer's CPNI information.

H. RS Fiber requires HBC to have an established supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

RS FIBER's policies and procedures comply by instituting a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations. An appointed HBC Senior Management member will reside as a member of the Marketing Team and authorize any proposed outbound marketing sales efforts which may involve the use of CPNI.

I. RS FIBER requires HBC to take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, which may include encryption of its databases. RS FIBER requires HBC to properly authenticate a customer prior to disclosing CPNI based on a customer-initiated telephone contact, on-line account access, or an in-store visit. RS FIBER requires HBC to take measures to protect CPNI stored in its internal databases from potential unauthorized access and evaluate and increase its security measures should it discover an increase in attempts to gain access to unauthorized information.

RS FIBER's policies and procedures comply with these requirements by utilizing HBC's billing system to aid in the administering of password and back-up authentication identification for approved HBC personnel. RS FIBER's policies and procedures further describe its methods of monitoring customer databases and provide for consideration of further measures should attempts be made to gain unauthorized access to CPNI database information. Procedures have also been established by which HBC Senior

Management will be informed as soon as reasonably possible by the HBC's Vice President of Technology of the severity of and remedies for the attempted unauthorized access.

J. RS FIBER must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include RS FIBER's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if RS FIBER offers other methods by which consumers may opt-out.

RS FIBER's policies and procedures comply with this requirement.

K. RS FIBER has a general duty to first inform federal law enforcement agencies, followed up by notification to affected customers, after reasonable determination of a breach of its customers' CPNI.

(1) RS FIBER must file an electronic notification to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) within seven (7) business days through the central reporting facility furnished by the Commission.

(2) RS FIBER is prohibited from notifying customers' or the general public of the breach until seven (7) business days have passed after notification to the USSS and FBI unless under certain specified circumstances: (a) RS FIBER identifies an "extraordinary need to notify customers" before that period or (b) An ongoing or potential investigation or national security requires customer disclosure to be potentially delayed for up to thirty (30) days. RS FIBER must notify the affected customer(s) after the applicable period.

(3) RS FIBER must maintain a record, whether electronically or in some other manner of any breaches discovered, notifications made to the USSS or FBI and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Records must be maintained for a two (2) year period.

RS FIBER's policies and procedures complied by defining the appropriate steps necessary in case of a customer's CPNI breach. The procedures further define the method by which the USSS or FBI must be notified and the process by which customer notification can occur. The policies include descriptions of how and where records will be stored as well as required information within those records.

V. Supplemental Information

Effective December 8, 2007, the FCC's rules require that the annual certification filed pursuant to 47 C.F.R. § 64.2009(e) disclose any actions taken against data brokers and a summary of all consumer complaints received in the previous calendar year regarding the unauthorized release of CPNI. A list of actions taken against data brokers (if any) during the prior calendar year, as well as a summary of all consumer complaints received in that period, is as follows.

ACTIONS TAKEN AGAINST DATA BROKERS IN 2017

Forum	Description of Action(s)
Court	None
State Commission	None
FCC	None

SUMMARY OF CUSTOMER COMPLAINTS CONCERNING UNAUTHORIZED RELEASE OF CPNI IN 2017

Nature of Complaint	Total Number
Improper Access by Employees	None
Improper Disclosure to Unauthorized Individuals	None
Improper Access to Online Information by Unauthorized Individuals	None
Other	None

PRETEXTERS' ATTEMPTS TO ACCESS CPNI AND RS FIBER'S STEPS TO PROTECT CPNI FROM PRETEXTERS

RS FIBER has no information beyond what has already been reported to the FCC and to Congress with respect to pretexters' practices. As reported in the foregoing statement, RS FIBER has timely achieved compliance with the FCC's rules adopted in its April 2007 Order, and is compliant with the requirements for online authentication which was required June 8, 2008.