

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 2018 covering the prior calendar year 2017

Name of company(s) covered by this certification: Maquoketa Valley Rural Electric Cooperative, d/b/a Maquoketa Valley Electric Cooperative

Date Filed: February 21, 2018

Form 499 Filer ID: 831798

Name of signatory: Kelly Gibbs

Title of signatory: Vice President of Finance

I, Kelly Gibbs, 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 **Member** 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 Kelly Gibbs 2/22/18

Maquoketa Valley Electric Cooperative

OPERATING PROCEDURE O – 29

CPNI Protection Procedures

I. **PURPOSE:**

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.

The purpose of these procedures is to ensure the Cooperative complies with the laws and regulations applicable to CPNI, and to ensure that CPNI be kept confidential.

II. **DEFINITIONS:**

Account information. Information that is specifically connected to the **Member’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 **Member’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 **Member** premises equipment. This definition does not include cable television services.

CPNI. In short, CPNI is information on the types of service to which the **Member** subscribes, and the **Member’s** call detail information.¹ The legal definition is:

¹ Note that aggregate **Member** 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 **Member** of a telecommunications carrier, and that is made available to the carrier by the **Member** solely by virtue of the carrier-**Member** relationship; and
- (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a **Member** of a carrier; except that such term does not include subscriber list information.”

CSR. Member Service Representative or any other employee accessing **Member** account information as described in this policy.

Member. A person or entity to which the telecommunications carrier is currently providing service whether they are a member of the cooperative or not.

Opt-in approval. Affirmative, express consent from a Member allowing CPNI usage, disclosure, or access after the Member 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 **Member** 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 **Member'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 **Member'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. **PROCEDURES:**

a. **CPNI Compliance Officer**

Maquoketa Valley Electric Cooperative shall have at all times a CPNI Compliance Officer to oversee the implementation of Maquoketa Valley Electric Cooperative CPNI Operating Procedures. This position shall be recommended by the CEO and approved by the Board of Directors.

Any employee having questions on this procedure, or its interpretation shall contact the CPNI Compliance Officer for advice.

The current CPNI Compliance Officer is:

Name: Kelly Gibbs, Chief Financial Officer
Phone Number: 319.462.3542
Email Address: Kgibbs@MVEC.com

b. Safeguarding CPNI from unauthorized disclosure

Employees shall take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.

CSRs shall properly authenticate a **Member's** identity using the procedures below before disclosing CPNI during **Member-initiated telephone calls, online account access, or an in-store visit.**

1. Member-initiated telephone calls – identity authentication procedures

| Member wants call detail information | Member wants non-call detail information (example: minutes of use) |
|--|---|
| <ul style="list-style-type: none">• Member 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 Member at telephone number of record to discuss information; or• If Member 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 Member, and may use readily available biographical information or account information. |

2. Online Access – identity authentication procedures

Employees shall authenticate the identity of a **Member** without the use of **readily available biographical information** or **account information** before allowing online access to CPNI.

CSR shall request that the **Member** establish a password at the time the **Member** establishes his or her account.

CSR shall request that the **Member** establish a “shared secret” at the time the **Member** establishes his or her account.²

Once a **Member** is authenticated, the member will be allowed 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 member coming into the office only if the **Member** presents a valid photo ID.

4. Business Members.

Maquoketa Valley Electric Cooperative currently uses the same authentication procedures for business **Members**

5. Lost or forgotten passwords

For a **Member** who has lost or forgotten his or her password, **CSRs** shall authenticate the **Member’s** identity before providing the password without using **readily available biographical information** or **account information**. Instead, **CSRs** shall use at least one of the following methods to authenticate the **Member**:

- “Shared secret”² authentication.
- Call the **Member** at the **telephone number of record**.
- Forward a PIN to the **Member** 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 the office.

c. Use of CPNI: When is Member approval needed?

There are a number of reasons that Maquoketa Valley Electric Cooperative would use a **Member’s** CPNI:

- (i) to provide the **Member’s** VoIP services,
- (ii) to bill and collect for the VoIP services, and
- (iii) to target-market additional services.

The FCC’s regulations allow Maquoketa Valley Electric Cooperative to use CPNI without **Member** approval for some of these activities. For others, the FCC requires either “**opt-out approval**” or “**opt-in approval**.” The list below provides a quick reference for when **Member** approval is and is not required.

² In this method, the carrier asks the **Member** 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?”

Because Maquoketa Valley Electric Cooperative has not instituted procedures to obtain opt-out or opt-in approval for use of CPNI, Maquoketa Valley Electric Cooperative shall contact counsel before conducting any activities that would require member approval.

No Member approval required when:

- Initiating, rendering, billing and collecting for the **Member's** Maquoketa Valley Electric Cooperative voice 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 **Member** already subscribes.
- If the **Member** subscribes to more than one category of Maquoketa Valley Electric Cooperative service (i.e., local and interexchange), Maquoketa Valley Electric Cooperative may share CPNI with an affiliated entity if the affiliated entity provides a service offering to the **Member**.
- 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 Maquoketa Valley Electric Cooperative rights or property, or protecting users of Maquoketa Valley Electric Cooperative voice services and other carriers from fraudulent, abusive, or unlawful use of or subscription to, the services.

Opt-out approval required when:

- Marketing **communications-related services**, such as Internet access services.
- Disclosure of and access to CPNI by agents and any affiliates that provide **communications-related services** so that they can market those services.

Opt-in approval required when:

- All other uses of CPNI, including marketing the Cooperative's data services.

d. Training:

Maquoketa Valley Electric Cooperative shall train its personnel as to when they are and are not authorized to use CPNI. Employees scheduled for training shall fully participate and shall ask the CPNI Compliance Officer if they have any questions.

e. Filing, notice, and recordkeeping requirements

1. Filing requirements

- The CPNI Compliance Officer shall sign and 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 Maquoketa Valley Electric Cooperative has established operating procedures that are adequate to ensure compliance with the CPNI rules.

- The CPNI Compliance Officer shall include with the certificate a statement explaining how Maquoketa Valley Electric Cooperative operating procedures ensure that the Cooperative is in compliance with the CPNI rules.
- The CPNI Compliance Officer shall include with the certificate an explanation of any action taken against data brokers.
- The CPNI Compliance Officer shall include with the certificate a summary of all **Member** complaints received in the past year based on unauthorized release of CPNI.
- A model compliance certificate and the required attachments are attached as Appendix 1.

2. Notice Requirements

Member notifications

Except upon initiation of service, Maquoketa Valley Electric Cooperative shall immediately notify a **Member** whenever the following are created or changed:

- A password
- **Member** 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.

Maquoketa Valley Electric Cooperative shall provide a CPNI notification at the initiation of service and on its website.

Notifications to federal agencies

The CPNI Compliance Officer 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:

- Maquoketa Valley Electric Cooperative 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 **Members**; and
- Contact information for the CPNI Compliance Officer.

In the event of a **breach** of a **Member's** CPNI, the CPNI Compliance Officer shall provide notice to the Secret Service and FBI as detailed in Section IV below.

3. Recordkeeping requirements

The CPNI Compliance Officer shall maintain the following records related to marketing campaigns for at least one year.

- a. 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.
- b. Records of the CPNI Compliance Officers's approval of any proposed outbound marketing campaigns.
- c. Records of **Member** notifications and **Member** approvals (whether oral, written, or electronic).

Maquoketa Valley Electric Cooperative 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 **Members**. 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 Maquoketa Valley Electric Cooperative must follow in the event of a **breach** of a **Member's** CPNI:

- a. Maquoketa Valley Electric Cooperative shall notify the Secret Service and FBI of a **breach** of its **Members'** CPNI as provided below.

- b. Maquoketa Valley Electric Cooperative shall not notify its **Members** 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**, Maquoketa Valley Electric Cooperative shall electronically notify the Secret Service and the FBI through a central reporting facility at <http://www.fcc.gov/eb/cpni>.
 - Maquoketa Valley Electric Cooperative shall wait 7 full business days after it notifies the Secret Service and FBI of a **breach** before notifying **Members** or disclosing the **breach** to the public. After that time, Maquoketa Valley Electric Cooperative shall notify its **Members** of a **breach** of their CPNI (and may disclose the **breach** to the public) unless the relevant agency directs Maquoketa Valley Electric Cooperative not to disclose or notify its **Members** of the breach. In that case, Maquoketa Valley Electric Cooperative shall not do so until it is notified in writing by the agency that it may notify its **Members** or disclose the **breach** publicly.
 - If Maquoketa Valley Electric Cooperative believes there is an extraordinarily urgent need to notify any class of **Members** sooner to avoid immediate and irreparable harm, Maquoketa Valley Electric Cooperative shall so indicate in its notification to the Secret Service and FBI, and may notify its **Members** only after consultation with the relevant agency. Maquoketa Valley Electric Cooperative shall cooperate with the relevant agency's request to minimize any adverse effects of **Member** notification.

IV. Disciplinary Actions

The FCC requires a written disciplinary process for violation of CPNI procedures.

Maquoketa Valley Electric Cooperative takes seriously its obligations to protect confidential **Member** information, including **Member** proprietary network information ("CPNI").

A violation of Maquoketa Valley Electric Cooperative CPNI Operating Procedures will result in appropriate disciplinary action, and may involve discipline up to and including immediate dismissal.

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Signed _____

ATTACHMENT TO OFFICER'S CPNI COMPLIANCE CERTIFICATE

Statement Regarding CPNI Operating Procedures

Maquoketa Valley Electric Cooperative written CPNI Operating Procedures ensure that Maquoketa Valley Electric Cooperative 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 Maquoketa Valley Electric Cooperative CPNI Operating Procedures are:

- A requirement that Maquoketa Valley Electric Cooperative have at all times a CPNI Compliance Officer to supervise the implementation of its CPNI Operating Procedures.
- Detailed procedures for safeguarding CPNI, including procedures for Member authentication and password protection of CPNI.
- Detailed procedures for determining what type of Member approval is necessary for use, disclosure of, and access to CPNI.
- A requirement that the billing system records for Members' accounts allow the status of the Member'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.

Maquoketa Valley Electric Cooperative does not use, disclose, or allow access to CPNI for any purpose that would require Member 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.