

**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

Date filed: February 28, 2018

Name of company covered by this certification: **West Texas Rural Telephone Cooperative, Inc.**

Form 499 Filer ID: 802356

Name of signatory: Scott Hickok

Title of signatory: Assistant General Manager

I, Scott Hickok, 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 (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 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) 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 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 subject it to enforcement action.

Signed Scott J. Hickok

Attachment: Accompanying Statement explaining CPNI procedures

## **ACCOMPANYING STATEMENT**

The following statement explains how the CPNI procedures of West Texas Rural Telephone Cooperative, Inc. (“the Cooperative”) ensure it is in compliance with the FCC’s CPNI rules, 47 C.F.R. §§64.2001-2011.

The Cooperative has designated a CPNI Compliance Officer who is responsible for: (1) communicating with the Cooperative’s attorneys and/or consultants regarding CPNI responsibilities, requirements and restrictions; (2) supervising the training of Cooperative employees and agents who use or have access to CPNI; (3) supervising the use, disclosure, distribution or access to the Cooperative’s CPNI by independent contractors and joint venture partners; (4) maintaining records regarding the use of CPNI in marketing campaigns; and (5) receiving, reviewing and resolving questions or issues regarding use, disclosure, distribution or provision of access to CPNI.

Cooperative employees and agents that may deal with CPNI have been informed that there are substantial federal restrictions upon CPNI use, distribution and access. In order to be authorized to use or access the Cooperative’s CPNI, employees and agents must receive training with respect to the requirements of Section 222 of the Communications Act and the FCC’s CPNI rules.

Before an agent, independent contractor or joint venture partner may receive or be allowed to access or use the Cooperative’s CPNI, the agent’s, independent contractor’s or joint venture partner’s agreement with the Cooperative must contain provisions (or the Cooperative and the agent, independent contractor or joint venture partner must enter into an additional confidentiality agreement which provides) that: (a) the agent, independent contractor or joint venture partner may use the CPNI only for the purpose for which the CPNI has been provided; (b) the agent, independent contractor or joint venture partner may not disclose or distribute the CPNI to, or allow access to the CPNI, by any other party (unless the agent, independent contractor or joint venture partner is expressly and specifically required to do so by a court order); and (c) the agent, independent contractor or joint venture partner must implement appropriate and specific safeguards acceptable to the Cooperative to ensure the confidentiality of the Cooperative’s CPNI.

The Cooperative may, after receiving an appropriate written request from a customer, disclose or provide the customer’s CPNI to the customer by sending it to the customer’s address of record. Any and all such customer requests: (1) must be made in writing; (2) must include the customer’s correct billing name, address and telephone number; (3) must specify exactly what type(s) of CPNI must be disclosed or provided; (4) must specify the time period for which the CPNI must be disclosed or provided; and (5) must be signed by the customer. The Cooperative will disclose CPNI upon affirmative written request by the customer to any person designated by the customer, but only after the Cooperative calls the customer’s telephone number of record and/or sends a notification to the customer’s address of record to verify the accuracy of this request.

The Cooperative will provide a customer’s phone records or other CPNI to a law enforcement agency in accordance with applicable legal requirements.

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The Cooperative retains all customer passwords and “shared secret” question-answer combinations in secure files that may be accessed only by authorized Cooperative employees who need such information in order to authenticate the identity of customers requesting call detail information over the telephone.

Cooperative employees authenticate all telephone requests for CPNI in the same manner, regardless of whether or not the CPNI consists of call detail information. That is, Cooperative employees must: (a) be furnished the customer’s pre-established password (or correct answers to the back-up “shared secret” combinations); (b) send the requested information to the customer’s postal or electronic address of record; or (c) call the customer back at the customer’s telephone number of record with the requested information.

If a customer subscribes to multiple services offered by the Cooperative and an affiliate, the Cooperative is permitted to share the customer’s CPNI regarding such services with its affiliate. If a customer does not subscribe to any telecommunications or non-telecommunications services offered by an affiliate, the Cooperative is not permitted to share the customer’s CPNI with the affiliate without the customer’s consent pursuant to the appropriate notice and approval procedures set forth in Sections 64.2007-2009 of the FCC’s rules.

When an existing customer calls the Cooperative to inquire about or order new, additional or modified services (in-bound marketing), the Cooperative may use the customer’s CPNI, other than call detail CPNI, to assist the customer for the duration of the customer’s call. Before doing so, the Cooperative will first authenticate the customer and then provide the customer with the oral notice required by Section 64.2008 of the FCC’s rules.

The Cooperative discloses or releases call detail information to customers during customer-initiated telephone contacts only when the customer provides a pre-established password. If the customer does not provide a password, call detail information is released only by sending it to the customer’s address of record or by the carrier calling the customer at the telephone number of record. If the customer is able to provide to the Cooperative during a customer-initiated telephone call 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) without Cooperative assistance, then the Cooperative may take routine customer service actions related to such information. (However, under this circumstance, the Cooperative may not disclose to the customer any call detail information about the customer account other than the call detail information that the customer provides without the customer first providing a password.)

The Cooperative has adopted a policy that it does not and will not use, disclose, or permit access to CPNI in connection with Cooperative-initiated marketing of services to which a customer does not already subscribe from the Cooperative (out-bound marketing).

The Cooperative maintains appropriate paper and/or electronic records that allow its employees, independent contractors and joint venture partners to clearly establish the status of each customer’s Out-out and/or Opt-In approvals (if any) prior to use of the customer’s CPNI. These records include: (i) the date(s) of any and all of the customer’s deemed Opt-out approvals and/or Opt-in approvals, together with the dates of any modifications or revocations of such approvals; and (ii) the type(s) of CPNI use, access, disclosure and/or distribution approved by the customer.

Before a customer's CPNI can be used in an out-bound marketing activity or campaign, the Cooperative's records must be checked to determine the status of the customer's CPNI approval. Cooperative employees, independent contractors and joint venture partners are required to notify the CPNI Compliance Officer of any access, accuracy or security problems they encounter with respect to these records. If new, additional or extended approvals are necessary, the CPNI Compliance Officer will determine whether the Cooperative's "Opt-Out CPNI Notice" or "Opt-In CPNI Notice" must be used with respect to various proposed out-bound marketing activities.

The CPNI Compliance Officer will maintain a record of each out-bound marketing activity or campaign, including: (i) a description of the campaign; (ii) the specific CPNI that was used in the campaign; (iii) the date and purpose of the campaign; and (iv) what products and services were offered as part of the campaign. This record shall be maintained for a minimum of one year.

The Cooperative's employees and billing agents may use CPNI to initiate, render, bill and collect for telecommunications services. The Cooperative may obtain information from new or existing customers that may constitute CPNI as part of applications or requests for new, additional or modified services, and its employees and agents may use such customer information (without further customer approval) to initiate and provide the services. Likewise, the Cooperative's employees and billing agents may use customer service and calling records (without customer approval): (a) to bill customers for services rendered to them; (b) to investigate and resolve disputes with customers regarding their bills; and (c) to pursue legal, arbitration or other processes to collect late or unpaid bills from customers.

The Cooperative's employees and agents may use CPNI without customer approval to protect the Cooperative's rights or property, and to protect users and other carriers from fraudulent, abusive or illegal use of (or subscription to) the telecommunications service from which the CPNI is derived. Because allegations and investigations of fraud, abuse and illegal use constitute very sensitive matters, any access, use, disclosure or distribution of CPNI for this purpose must be expressly approved in advance and in writing by the Cooperative's CPNI Compliance Officer.

The Cooperative's employees, agents, independent contractors and joint venture partners may not use CPNI to identify or track customers who have made calls to, or received calls from, competing carriers. Nor may the Cooperative's employees, agents, independent contractors or joint venture partners use or disclose CPNI for personal reasons or profit.

Cooperative policy mandates that files containing CPNI be maintained in a secure manner such that they cannot be used, accessed, disclosed or distributed by unauthorized individuals or in an unauthorized manner. Paper files containing CPNI are kept in secure areas, and may not be used, removed or copied in an unauthorized manner. Cooperative employees, agents, independent contractors and joint venture partners are required to notify the CPNI Compliance Officer of any access or security problems they encounter with respect to files containing CPNI.

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The Cooperative may permit its customers to establish online accounts, but must require an appropriate password to be furnished by the customer before he or she can access any CPNI in his or her online account. Passwords may not be based upon readily obtainable biographical information (*e.g.*, the customer's name, mother's maiden name, social security number or date of birth) or account information (*e.g.*, the customer's telephone number or address).

Customers may obtain an initial or replacement password: (i) if they come in person to the Cooperative's business office, produce a driver's license, passport or other government-issued identification verifying their identity, and correctly answer certain questions regarding their service and address; or (ii) if they call a specified Cooperative telephone number from their telephone number of record, and then wait at that number until a Cooperative representative calls them back and obtains correct answers to certain questions regarding their service and address.

The Cooperative will notify customers immediately of certain changes in their accounts that may affect privacy or security matters. The types of changes that require immediate notification include: (a) change or request for change of the customer's password; (b) change or request for change of the customer's address of record; (c) change or request for change of any significant element of the customer's online account; and (d) a change or request for change to the customer's responses with respect to the back-up means of authentication for lost or forgotten passwords.

The Cooperative must provide an initial notice to law enforcement and a subsequent notice to the customer if a security breach results in the disclosure of the customer's CPNI to a third party without the customer's authorization. As soon as practicable (and in no event more than seven (7) days) after the Cooperative discovers that a person (without authorization or exceeding authorization) has intentionally gained access to, used or disclosed CPNI, the Cooperative must provide electronic notification of such breach to the United States Secret Service and to the Federal Bureau of Investigation.

The Cooperative will provide customers with access to CPNI at its retail locations if the customer presents a valid photo ID and the valid photo ID matches the name on the account.

The Cooperative takes reasonable measures to discover and protect against activity that is indicative of pretexting. This includes requiring Cooperative employees, agents, independent contractors and joint venture partners to notify the CPNI Compliance Officer immediately by voice, voicemail or email of: (a) any suspicious or unusual call requesting a customer's call detail information or other CPNI (including a call where the caller furnishes an incorrect password or incorrect answer to one or both of the "shared secret" question-answer combinations); (b) any suspicious or unusual attempt by an individual to change a customer's password or account information (including providing inadequate or inappropriate identification or incorrect "address or record," "telephone number of record" or other significant service information); (c) any and all discovered instances where access to the Cooperative's electronic files or databases containing passwords or CPNI was denied due to the provision of incorrect logins and/or passwords; and (d) any complaint by a customer of unauthorized or inappropriate use or disclosure of his or her CPNI. The CPNI Compliance Officer will request further information in writing, and investigate or supervise the investigation of, any incident or group of incidents that reasonably appear to entail pretexting.

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Employees and agents of the Cooperative, independent contractors and joint venture partners are strongly encouraged to bring any and all questions, issues or uncertainties regarding the use and disclosure of, or access to, CPNI to the attention of the Cooperative's CPNI Compliance Officer for appropriate investigation, review and guidance. The extent to which a particular employee or agent brought a CPNI matter to the attention of the CPNI Compliance Officer and received appropriate guidance is a material consideration in any disciplinary action brought against the employee or agent for impermissible use, disclosure or access to CPNI.

Violation by Cooperative employees or agents of the CPNI requirements of the Cooperative, the FCC, or the Communications Act may lead to disciplinary action, depending upon the circumstances of the violation. The circumstances to be considered include the severity of the violation; whether the violation was a first time or repeat violation; whether appropriate guidance was sought or received from the CPNI Compliance Officer; and the extent to which the violation was or was not deliberate or malicious. Potential disciplinary actions include remedial training, reprimands, unfavorable performance reviews, probation and termination. Violation by the Cooperative's independent contractors or joint venture partners of such CPNI requirements will lead to prompt disciplinary action, up to and including remedial training and termination of the contract.