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VIA ELECTRONIC SUBMISSION

September 21, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Protecting the Privacy of Customers of Broadband and Other Telecommunications Services,
WC Docket No. 16-106.**

Dear Ms. Dortch:

On September 19, 2016, Jeff Brueggeman, Joan Marsh, James Talbot and the undersigned of AT&T met with Ruth Milkman, Chief of Staff to Chairman Wheeler, and Matt DelNero and Lisa Hone of the Wireline Competition Bureau, to discuss the Commission's broadband privacy proceeding. On September 19, 2016, Jackie Flemming also spoke by telephone with Lisa Hone on this subject.

During the discussion, and without waiving any legal claims AT&T may have with regard to any rules the Commission may adopt in this proceeding, AT&T expressed support for the determination of privacy choices based on the sensitivity of the data, similar to the FTC's framework. Under this approach, requirements for opt-in approval would be limited to the use or sharing of sensitive customer information for marketing purposes. AT&T also supported the use of aggregate and non-aggregate de-identified data without approval based on the three-part FTC test for de-identification. In addition, AT&T discussed the use of non-sensitive customer information for first-party marketing based implied approval. With regard to data breaches, AT&T noted that providers should be allowed an adequate opportunity to investigate these incidents by requiring reporting based on the reasonable determination of a data breach rather than the initial identification of suspicious conduct. Additionally, data breach notification should be required only where a provider's investigation determines there is no reasonable likelihood of harm to any customer resulting from the incident.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Jacquelyne Fleming".

Cc: Ruth Milkman
Matt DelNero
Lisa Hone