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May 27, 2016

Tom Wheeler
Chairman, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WC Docket No. 16-106 – Protecting the Privacy of Customers of Broadband and Other Telecommunications Services

Dear Chairman Wheeler:

Front Porch, Inc. is pleased to provide commentary in response to the proposed rules protecting the privacy of broadband Internet subscribers. Front Porch provides valuable communication methods that allow Internet Service Providers (ISPs) to interact with customers via our browser-based messaging service. Many of the largest ISPs in the United States and around the world benefit from our technology, which helps ISPs engage subscribers to address account issues, notify them of potentially dangerous or damaging security vulnerabilities, or to promote new ISP offers. Our solution is widely adopted by leading providers; it is more effective than phone calls, email, or physical mail; it provides a higher response rate; it costs less time and money than other methods; and it is more efficient and environmentally friendly.

The comments in this letter are focused on the following topics:

- Subscriber Notice and Participation Choice
- Opt-In and Opt-Out Best Practices
- Defining Communications Related Marketing
- What is Personally Identifiable Information?
    - Modem MAC Addresses Are Not PII
    - IP Addresses Are Not PII

Subscriber Notice and Participation Choice
Front Porch has long been an advocate for providing options to subscribers before new provider programs are begun. In fact, our typical recommendation is to deliver multiple messages via our platform announcing a new program, along with listing user participation options. Each message delivery is confirmed and logged, ensuring that the subscriber's choice is stored in association with the household and applied to the entire account.

Opt-In and Opt-Out Best Practices
Most ISP-to-subscriber communications should be clearly at the subscriber's discretion. Subscribers should have the option to opt out of any messaging category except for messages pertaining to the status of the account under the terms of the original customer agreement, or where copyright or other violations have occurred. The subscriber should be

automatically opted in to topics of communication deemed beneficial to the subscriber, but always include an obvious opt-out choice that is achievable with minimal subscriber effort.

The following is our recommended plan:

Type	Initial Participation	Subscriber Options
Account Billing Status	Opted-In	None
Piracy Notices/Terms and Conditions Violations	Opted-In	None
Security Vulnerabilities	Opted-In	Opt-Out and Opt-In
Data Usage	Opted-In	Opt-Out and Opt-In
Customer Service	Opted-In	Opt-Out and Opt-In

Defining Communications Related Marketing
Nearly all ISPs offer more than one product to their subscribers. It is customary and expected that a business selling one product to a customer will offer that customer additional products for purchase. ISPs should be able to promote some or all of their other products to their subscribers while allowing for quick and easy opt-out choices. Customers benefit by discovering deals and discounts that may be represented in a bundled package offer, or by being exposed to new technologies and products they may need (e.g. – home security monitoring, cloud backup and storage, etc.). The FCC should define marketing in broad terms to avoid creating unnecessary business constraints on ISPs.

What is Personally Identifiable Information?
We generally agree with the FCC's straightforward definition of Personally Identifiable Information (PII) as any information transmitted online that is linked or linkable to an individual. However, certain elements of data that are fundamental to Internet Protocol should not be viewed as PII.

Modem MAC Addresses Are Not PII
Modems installed in the home to enable access to broadband Internet have a Media Access Control (MAC) address that is unique to each individual device and is only discoverable inside the ISP's local network. When a subscriber connects to any website, service, or ad network, the modem's MAC address is not available for tracking, re-use, or identification purposes. ISPs use this address for internal network management purposes, including access permissions, data consumption, and service tier monitoring. An example modem MAC address looks like this: 13.F7.38.35.C6. It contains numbers and letters and cannot be used to reverse-engineer the name of the account holder who uses that modem. We strongly recommend that the FCC not add modem MAC addresses to the list of PII data elements.

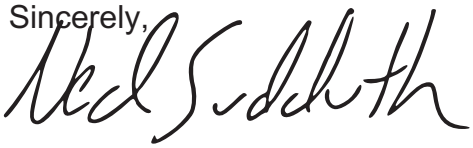
IP Addresses Are Not PII
Internet Protocol (IP) addresses are assigned to all devices on all networks that connect to the Internet. IP addresses are dynamic and change frequently, so while they might be issued to a subscriber for a period of time, a personal IP address can also change at any time and, therefore, is not reliable. For this reason, IP addresses should not be considered PII.

Conclusion
Subscriber choice is and should be the bedrock of all interactions between an ISP and its subscribers. The more control subscribers are given over their online experience, the more satisfied they are with the outcome.

In regards to ISP-to-subscriber messaging and opting out of certain types of communication, subscribers should be given as much choice as possible and be only unable to opt out of messages that are critically important to their account. In all types of communication, ISPs must be transparent and forthright about their opt-in/opt-out privileges.

Data and personal information security are also of paramount importance, and all providers and companies who handle any subscriber data – be it PII or not – should exercise the utmost care and diligence to protect it. However, the FCC should not overreach with restrictions when it comes to classifying what constitutes PII, as many elements of IP communication are instrumental in valuable and critical technologies that would be severely hampered by classifying data such as MAC addresses and IP addresses as PII.

Sincerely,



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