



February 6, 2006

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VIA ELECTRONIC FILING

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

Re: EB-06-TC-060; EB Docket No. 06-36
Certification of CPNI Filing (February 6, 2006)

Dear Ms. Dortch:

GCI Communication Corp. ("GCI") hereby submits this filing as directed by *Public Notice*, "Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications," DA 06-223 (Jan. 30, 2006) and *Public Notice*, "Enforcement Bureau Opens New Docket for the February 6, 2006, Filing of CPNI Compliance Certifications," DA 06-258 (Feb. 2, 2006). This filing requirement arises out of the Commission's investigations into the recent discovery that customer telephone call records are apparently, in some instances, available for sale over the Internet.¹ GCI places the highest priority on protecting the privacy of its customers' data and is not aware of any instance in which security measures to protect that information has been breached or compromised.

The reported access by "data brokers" to the customer information through pretexting or systems breaches has brought merited attention to matters of customer privacy. In reviewing the internal procedures it has in place, GCI has determined that it holds customer data secure from third parties, but that additional measures must be taken to ensure full compliance with the rules governing customer proprietary network information ("CPNI"). GCI notes that most of its customer transactions fall outside of the bounds of the CPNI requirements, in that the majority of its customers subscribe to multiple categories of GCI services given the prevalence of bundled offerings, particularly in those areas where GCI provides some combination of local, long distance, cellular, internet access, and video. GCI also provides services other than

¹ GCI submits this filing as directed by the *Public Notices*, without prejudice to any subsequent determination that such action was not consistent with applicable notice requirements.

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telecommunications services that, while communications-related, are not subject to Section 222. Consistent with Section 64.2009(e), GCI sets forth herein a description of its policies, procedures, and safeguards that protect customer information, along with the steps being implemented to ensure compliance with the relevant Commission rules:²

Notice of Rights (Section 64.2008). GCI has posted notice of CPNI rights on its website, which notice is continually available for subscriber access. In addition, a customer-wide notice is being prepared for delivery to all GCI's telecommunications customers. Subsequently, GCI will transmit written notice to customers at least every two years and to new customers in their first billing cycle. Both forms of notice, e-mail and written, are to be reviewed periodically, but in no event less than annually, to ensure compliance with current law and regulations.

Customer approvals (Sections 64.2005, 2007, 2008, and 2009(a) & (f)). To target a customer for sale of a product outside of the existing subscription basket, GCI will ensure prior customer approval via opt-out mechanism or one-time approval for in-bound calls.

Opt-out – GCI customers may exercise opt-out rights via website and periodic mailings. The website posting directs customers who wish to decline approval for use of CPNI to a GCI e-mail box, with responses recorded for the customer's account records. The biennial mailing described above will ensure that customers have the ability to review their CPNI designations as required by rules. These responses are also to be recorded in each customer account, including the dates necessary to confirm when approval could be deemed given when no response is received. All continuing customer approvals or declinations will be electronically recorded to ensure that the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Implementation of this capability is in process. The CPNI opt-out process will also be initiated upon the establishment of any new account.

GCI employees will check the CPNI designation before accessing or using CPNI data. In addition, if a GCI employee has any reason to believe the opt-out notice has failed for some reason, then he or she is to notify a supervisor immediately. Any opt-out notification failure is to be reported to the Certifying Officer for review and further action as necessary.

² Each of these apply most directly for residential and small business customer information, as almost all other commercial customer interactions are handled by account representatives and initiated on a routine basis wholly independent of CPNI. It should also be noted that GCI customers can opt at any time to be added to the company's internal do-not-call list, which trumps any CPNI exception that may otherwise apply and prohibits the marketing of any GCI service or product to a customer who has made such an election.

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One-time approval/in-bound calls – In cases where the opt-out process has not been completed or where it has been exercised, customer approval must be obtained for the duration of an in-bound call before CPNI is accessed or used. Customer service employees will seek such approval in accordance with Section 2008(f) and record customer approval (if given) within the customer records for at least one year.

Opt-in - The Commission's rules governing opt-in procedures are not applicable, as this mechanism is only necessary in cases where a carrier is providing CPNI to third-party vendor or any affiliates that provide non-communications related services to customers. Neither scenario is applicable to GCI.

Training and Disciplinary Processes (Section 64.2009(b)). All GCI employees are required to review annually the Company's confidentiality policies, which include a description of, and requirements for compliance with, CPNI requirements. In addition, these policies obligate GCI employees to ensure that all customer data is safeguarded to ensure privacy and protect GCI customers from the illegal use of their personal information generally by, *inter alia*, prohibiting employees from giving any unauthorized person any records of local or toll calls. These policies establish disciplinary procedures in the event of any violation, prohibit any deviation from compliance, and direct employees with any questions about CPNI compliance to raise those questions with the GCI Regulatory Department. Disciplinary action includes investigation and, if appropriate, termination.

Customer service and marketing representatives with access to CPNI will receive additional training through the course of their employment to ensure that the required notice and prior approvals are secured before any access to or use of CPNI. This training will also ensure that those customers for whom there is no CPNI response recorded will be advised of CPNI rights and options on inbound calls and will be excluded from any marketing campaign beyond their existing subscription basket until such time that their preference is recorded.

Marketing and Sales Campaigns (Sections 64.2009(e) & (d)). GCI has instituted standard operating procedures to ensure that CPNI document retention and approval process policies are followed. Designated marketing and sales managers retain records of those campaigns that use CPNI for a minimum of one year; accordingly, these records also document when such information is disclosed to third parties, though any such disclosure has traditionally been limited to subscriber list information. In addition, all marketing plans are to include a CPNI compliance review, approved by the designated supervisor.

Compliance Certification (Sections 64.2009(e) & (f)). The Vice President of Federal Regulatory Affairs has been designated to issue the required compliance certificate annually (the "Certifying Officer"). The Certifying Officer is

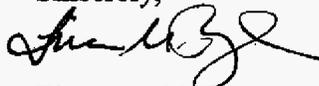
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responsible for reviewing these CPNI Compliance Procedures to ensure timely adaptation to relevant legal and/or regulatory changes and to ensure continuing compliance therewith. In addition, the Certifying Officer will ensure that any notification of failure of the opt-out mechanism to work properly is submitted to the Commission within five business days of such occurrence, in accordance with the procedures set forth in Section 64.2009(f).

Finally, GCI is also not aware of any instances where customer call data was made available via third-party brokers (or any other third party), either by breach of GCI's systems, by unauthorized inquiry for customer call data, or by any other means of pretexting. To that end, GCI has strict IT governance, network security, and VPN monitoring policies in place to ensure the overall safety and integrity of GCI's systems. Similarly, policies are in place to safeguard access to customer information. GCI customer service representatives are trained to confirm a caller's identity by requiring that he or she provide proof of identity by reciting a social security number, secure password, driver's license number or date of birth that matches the information on record, before any account information is provided. Likewise, no information is issued to third party law enforcement agencies without the necessary subpoena or warrant. GCI is confident that its procedures and policies ensure that customer proprietary data is not shared with third parties.

Please address any questions regarding the foregoing to the undersigned.

Sincerely,



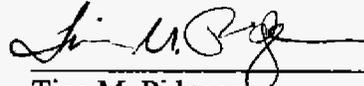
Tina M. Pidgeon
Vice President, Federal Regulatory Affairs

Attachment

cc: Byron McCoy
Best Copy and Printing, Inc.
via electronic mail

Certification

I, Tina M. Pidgeon, do hereby certify that I am Vice President, Federal Regulatory Affairs of GCI Communication Corp., and I have personal knowledge of the operating procedures established and being implemented by the company that are adequate to ensure compliance with 47 C.F.R. §§ 64.2001 *et seq.* of the Commission's rules. The forgoing statement is provided in compliance with Section 64.2009(e) of the Commission's rules.



Tina M. Pidgeon