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December 4, 2006

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Via Electronic Filing

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

Re: **EX PARTE –** Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information - CC Docket No. 96-115, RM-11277

Dear Ms. Dortch:

On December 1, 2006, John Birrer, Tom Sugrue, Kathleen Ham, and Sara Leibman of T-Mobile USA, Inc. ("T-Mobile") and the undersigned, on behalf of T-Mobile, met with John Hunter of Commissioner McDowell's office regarding the above-referenced proceeding on customer proprietary network information ("CPNI"). The T-Mobile representatives described T-Mobile's positions in this proceeding as summarized in the enclosed outline.

The T-Mobile representatives stated that rather than adopting a mandatory password requirement for customers that call in seeking information (call-in access), the Commission should permit carriers to adopt other forms of authentication that are consumer-friendly and secure. Providing carriers with flexibility as to the means of authenticating customers who seek call-in access is an effective way to stop pretexters.

Mr. Birrer, T-Mobile's Vice President for Customer Service, described the company's previous experience with mandatory passwords for call-in access. Until about two and a half years ago, T-Mobile required a customer-set password for call-in access. This requirement resulted in significant customer dissatisfaction with T-Mobile responsiveness, and was a major source of customer complaints.

Based on its customers' negative reaction to mandatory passwords, T-Mobile made customer-set passwords optional for call-in access. Today, less than five percent of T-Mobile customers have chosen to establish passwords for purposes of calling T-Mobile representatives even though they are encouraged to do so. This policy change was driven by

customer demand, and along with other improvements, has contributed to making T-Mobile a leader in customer service.[1]

In any event, T-Mobile believes that carriers that prohibit the release of call detail records over the phone should not be required to adopt a mandatory password requirement for call-in access. T-Mobile prohibits the release of call detail records over the phone, even when a customer has a password now. In its experience, this policy is an effective way to fight pretexting, and a password requirement on top of such a prohibition would add little value and would only increase customer burdens and inconvenience.

Any new requirements in this area should apply only to "call detail records," by which T-Mobile means the telephone numbers that a customer has called or the telephone numbers that have called the customer. As Verizon Wireless has pointed out, these call detail records, not other forms of CPNI, are the real target of pretexters.[2] At the same time, customers expect to discuss and exchange their account information with carrier representatives with minimal impediments. Overly broad requirements could burden customers and carriers without deterring or stopping pretexters. The FCC has to carefully balance security with the convenience of the customer – overly broad and unreasonable restrictions could trigger a strong consumer backlash.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions regarding this notification, please contact the undersigned.

Very truly yours,

/s/ William F. Maher, Jr.
William F. Maher, Jr.
Counsel for T-Mobile, USA, Inc.

Enclosure
cc: John Hunter

dc-471540

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[1] J.D. Power and Associates has now recognized T-Mobile four times in a row for Highest Ranked Wireless Customer Service Performance and Wireless Retail Sales Satisfaction.

[2] *See* Letter from John T. Scott, III, Verizon Wireless, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-115 at 2 (Oct. 18, 2006). *See also id*. at 5 ("Call detail records" are defined in subsection (g)).

T · · Mobile ·

T-Mobile USA, Inc.
Ex Parte Presentation
CC Docket No. 96-115
December 1, 2006

CPNI Safeguards: Customer Protection and Carrier Flexibility

T-Mobile

Customer Service and CPNI Protection

- As the fourth largest national wireless carrier, T-Mobile dedicates itself to outstanding customer service in order to compete successfully.
- J.D. Power and Associates has recognized T-Mobile four times in a row for Highest Ranked Wireless Customer Service Performance and Wireless Retail Sales Satisfaction.
- Premier customer service includes both **protection of customer information** and **responsiveness to customer needs**.

T-Mobile

T-Mobile's Customer Service Department

- Led by Sue Nokes, Senior VP, and John Birrer, VP.
- About 11,600 T-Mobile customer service representatives in multiple call centers.
- In addition, about 7,100 retail store representatives.

T-Mobile

T-Mobile Fights Pretexters

- Pretexters exploit what T-Mobile has worked hard to achieve – outstanding customer service.
- T-Mobile agrees with the Commission: pretexters must be stopped.
- T-Mobile has investigated, pursued, and sued pretexters that were preying on it and its customers.
- T-Mobile proactively updates its policies to respond to the ever-changing threat of pretexting.
- T-Mobile endorses federal legislation criminalizing pretexting.

T-Mobile

Position Overview

- CPNI rules should help carriers protect customers against pretexters.
- CPNI rules should preserve carriers' flexibility to be responsive to customers' needs.
- Changes to the CPNI rules should not be so detailed as to provide roadmaps to pretexters or to prevent carriers from changing their procedures to protect against new threats.

T-Mobile

Rules Should Actually Help Carriers Fight Pretexters

- Some proposals in the NPRM do not fight pretexting or effectively protect consumer privacy (e.g., encryption and data retention limits).
- Strengthening the CPNI certificate requirement will help improve oversight.
  - File annually with the Commission, after close of carriers' fiscal years.
  - As CTIA proposes, include representations regarding security procedures and training policies.

T-Mobile

Rules Should Preserve Carriers' Flexibility To Serve Customers

- Customer-set passwords should be optional, not required, for call-in access to customer service.

  Based on negative reaction from customers, T-Mobile reversed its former policy that required call-in passwords.

  T-Mobile nonetheless encourages customers to set optional passwords for call-in access.

T-Mobile

Rules Should Preserve Carriers' Flexibility To Serve Customers (continued)

- T-Mobile requires customer-set passwords for on-line access.

  About 9.1 million T-Mobile customers have on-line access and passwords.

- The Commission should not require a "password reboot" for on-line access.

  Significant customer inconvenience and complaints directed at the FCC and at carriers.

  Would not provide T-Mobile customers with additional protection.

T-Mobile

Rules Should Preserve Carriers' Flexibility To Serve Customers (continued)

- Most carriers already prohibit representatives from providing telephone numbers in call detail records over the phone. Regulation is not necessary.

  T-Mobile prohibits provision of such records over the phone.

- Nonetheless, if such a prohibition is adopted, it should not bar representatives from discussing associated CPNI if an authenticated customer provides the number for a particular call.

T-Mobile

Rules Should Preserve Carriers' Flexibility To Serve Customers (continued)

- If the Commission were to require carriers to notify customers of changes to their billing address or password, carriers should have the flexibility to select the means by which they provide notification.

T-Mobile

Rules Should Preserve Carriers' Flexibility To Serve Customers (continued)

- T-Mobile agrees with the framework of the Verizon Wireless proposal regarding notification if an unauthorized person obtains CPNI, but:
  - Notification should only be required if a carrier determines that an unauthorized person obtains call detail records.
  - Notification should occur within 45 days after unauthorized access is confirmed.
- For **any** rule change, carriers need adequate implementation time – at least one year from the effective date of an order.

T-Mobile

Conclusion

- T-Mobile is proud of the service and privacy protection that it gives its customers.
- T-Mobile will continue to fight pretexters.
- Any CPNI rule changes must be focused on stopping pretexters while preserving the ability of carriers to respond efficiently to customers' requests for information about their accounts.

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