



COMPTTEL

The Communications Association of Choice

December 18, 2006

VIA ECFS

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

Re: *Written Ex Parte, WC Docket No. 96-115; RM-11277*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission rules, 47 C.F.R. §51.1206, COMPTTEL is submitting this written *ex parte* for inclusion in the above-referenced docket.

COMPTTEL agrees that protecting customer privacy is critical and its member companies take that responsibility seriously. However, as addressed in our comments in this proceeding, there is no need to modify the current CPNI safeguards. Additional regulations will increase the cost of service, and be of inconvenience, to consumers. Congress has passed legislation targeting the offenders of pretexting.¹ Before adopting costly and burdensome regulations on carriers, which will ultimately be born by consumers, the Commission should allow this law to take effect and subsequently evaluate the situation to determine if more regulation is truly necessary. Carriers already have sufficient commercial incentive to protect CPNI and the current CPNI rules provide an adequate safeguard.

Nonetheless, to the extent that the Commission believes additional privacy standards are required, adopting the industry developed proposals presented by the Anti-Pretexting Working Group in its October 31, 2006 and November 15, 2006 *ex parte* presentations would appropriately guard against pre-texting, while recognizing that different customers want and need different verification processes. For example, business customers who likely have multiple individuals responsible for managing their account will likely find pass-codes difficult, costly, frustrating, and, as XO points out, "could reduce the effectiveness of its authentication practices already in place..."² As described by XO, robust authentication practices already exist on these accounts.³ Therefore, carriers should not be required to implement pass-codes for business customers. Instead, carriers should be allowed to use other reasonable authentication measures developed with the customer during the establishment of the account. Additionally, any regulation requiring pass-codes for residential customers should only be required at the

¹ H.R. 4709, 109th Congress 2d Session Cleared for White House on December 8, 2006.

² See Letter of John Hietmann, on behalf XO Communications, to Marlene Dortch, Secretary, FCC, CC Docket No. 96-115, RM-11277 at 3 (filed Nov. 7, 2006)(*"XO Ex Parte Presentation"*).

³ *XO Ex Parte Presentation* at 2

customer's option. The Commission should not usurp consumers control over their account or create customer confusion through required pass-codes.

Moreover, customers currently using pass-codes should not be required to reset their pass-codes, nor should the Commission mandate that all on-line accounts be re-initialized. Requiring customers to reset pass-codes could create opportunities for unscrupulous individuals to reset other's passwords to gain access to records and there is no reason to assume that all on-line accounts were initiated fraudulently.

Furthermore, as discussed in Comptel's comments, EPIC's proposed measures such as data encryption and establishing audit trails would not advance the Commission's privacy goals. Rather, they would likely only serve to increase carriers' costs. Finally, were the Commission to adopt regulations, the Commission must provide sufficient time for system changes and notification to customers.

Respectfully Submitted,

/s/ Karen Reidy
Vice President, Regulatory Affairs

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