

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Telecommunications Act of 1996:)	CC Docket No. 96-115
)	
Telecommunications Carrier' Use of Customer Proprietary Information and Customer Information)	WC Docket No. 04-36
)	

COMMENTS OF COMPTTEL

I. INTRODUCTION

COMPTTEL respectfully submits these comments, pursuant to the Commission's Further Notice of Proposed Rulemaking ("*Further NPRM*") released on April 2, 2007 (FCC 07-22) in the above-referenced docket. In its *Further NPRM* the Commission seeks comment on whether it should adopt additional carrier requirements to protect customer proprietary network information ("CPNI"). Specifically, the Commission seeks comment on password protection for non-call detail information, audit trails, safeguards governing the physical transfer of CPNI among companies, data retention and protection of information stored in mobile communications devices.

The Commission, only a few months ago, adopted extensive carrier authentication and other protective measures to guard against unauthorized access and disclosure of CPNI - rules which have yet to take effect. The Commission should not consider any additional regulations until the value of the newly adopted rules can be evaluated. After

such time, the industry and Commission will be in a better position to comment on whether and what additional safeguards are necessary. Moreover, any regulations adopted must be consistent with the language and authority provided under Section 222.

II. THE COMMISSION SHOULD REFRAIN FROM ADOPTING ADDITIONAL CPNI REGULATIONS AT THIS TIME.

In March of this year the Commission adopted significant privacy safeguards that the Commission says “will sharply limit pretexters’ ability to obtain unauthorized access to [telephone records] from carriers [it] regulates.”¹ The Commission now asks whether it should extend password protection to non-call detail CPNI, adopt rules pertinent to audit trails and the physical transfer of CPNI among companies, and require carriers to limit data retention. COMPTEL strongly urges the Commission to refrain from adopting any further regulations until the rules recently adopted have been in effect for awhile and until the Commission can appropriately gauge whether further regulation is necessary.

Carriers need the opportunity to establish and implement their procedures and policies in light of the Commission’s recently-adopted new regulations in order to determine what, if any, additional measures may be necessary to comply with their statutory mandate. As the Commission found, “carriers need leeway to engage emerging threats” and carriers should be permitted “to weigh the benefits and burdens of particular methods of possibly detecting pretexting. This approach will allow carriers to improve

¹ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 96-115, FCC 07-22, ¶ 2 (2007)(*2007 Report and Order and Further NPRM*).

security of CPNI in the most efficient manner possible, and better enable small businesses to comply with [Commission] rules.”²

Imposing an additional set of regulations at this time will only increase costs and burdens to carriers with uncertain, if any, public interest benefits. For example, as the Commission acknowledged, only a few months ago, its current record “indicates that the broad use of audit trails likely would be of limited value in ending pretexting because such a log would record enormous amounts of data, the vast majority of it being legitimate customer inquiry.”³

The Commission should also be mindful that the imposition of any additional regulations must fall within the Commission’s authority and be consistent with the statute. The Commission has found that its authority extends to clarifying carrier obligations under Section 222 of the Act.⁴ The questions raised by this *Further NPRM* go well beyond the Commission’s initial findings on what constitutes customer approval and what is lawful use and disclosure of the data under Section 222. In addition, the Commission refers to “address of record” as an example of “non-call detail CPNI” it considers regulating with password protection. However, the definition of CPNI specifically excludes subscriber list information. Subscriber list information includes the subscriber’s address.

In conclusion, COMPTTEL strongly urges the Commission to refrain from considering any additional regulations on CPNI at this time.

² *2007 Report and Order* at ¶¶ 33-34.

³ *Further NPRM* at ¶ 69.

⁴ *See Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket Nos. 96-115, Second Report and Order, 13 FCC Rcd 8061, 8068-70, ¶¶ 11-14 (1998).

Respectfully submitted,

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