

**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 Carriers' Use of Customer Proprietary Network Information and Other Customer Information)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	

REPLY COMMENTS OF COMCAST CORPORATION

Comcast Corporation (“Comcast”) submits these reply comments in response to the above-captioned Further Notice of Proposed Rulemaking.¹ In its Further Notice, the Commission sought comment on what additional steps, if any, it should take to further secure the privacy of customer proprietary network information (“CPNI”).

Comcast and a broad cross-section of other parties in their initial comments urge the Commission to defer taking any further action in this proceeding at this time for several reasons. First, as Comcast and others explain, the new safeguards outlined in the Further Notice would do

¹ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007) (FCC 07-22) (“CPNI R&O” or “Further Notice”). As noted in its comments, Comcast, through its various subsidiaries, is a provider of both interconnected Voice over Internet Protocol (“VoIP”) service and circuit-switched service.

little to eliminate unauthorized access to CPNI.² Second, several of the proposals outlined in the Further Notice would be extraordinarily expensive and onerous to implement.³ Third, Comcast and other commenters have already voluntarily implemented safeguards to ensure the security of their customers' CPNI.⁴

Comcast and other parties further emphasize that it would be premature for the Commission to prescribe additional CPNI safeguards before the most recent requirements – released only four months ago⁵ – have been implemented and their effectiveness evaluated. NCTA, for example, observes that “[b]efore giving any serious consideration to new requirements, the Commission should first give providers the opportunity to implement the existing requirements and determine whether they are effective.”⁶ AT&T states that “[t]he Commission c[an] not meaningfully examine the impact of the new rules on pretexting – or the possible burdens *those* rules may have on consumers or carriers – until the new requirements have been fully implemented and given an opportunity to work.”⁷ Embarq similarly comments that “[t]he ink is not yet dry on th[e April 2007] order. . . . Before new burdens are imposed on consumers and carriers, the Commission should allow the [April 2007 order] to become effective

² See, e.g., Comcast Comments at 4-10; AT&T Comments at 8; ICORE Comments at 4-6; Qwest Comments at 4-5; Time Warner Cable/AOL Comments at 10-11; Verizon Comments at 8-9. (Comments cited herein were filed in CC Docket No. 96-115 on July 9, 2007.)

³ See, e.g., ICORE Comments at 3-5; NCTA Comments at 2-4; Sprint Nextel Comments at 7-8, 11-12; USA Mobility Comments at 9-10; Verizon Comments at 8, 12-13.

⁴ See, e.g., Comcast Comments at 2-3; Qwest Comments at 3; Sprint Nextel Comments at 3-6, 13-14; Verizon Comments at 16-17.

⁵ CPNI R&O (released April 2, 2007).

⁶ NCTA Comments at 2; *see also* American Association of Paging Carriers Comments at 3; COMPTTEL Comments at 1-3; ICORE Comments at 2; NTCA Comments at 2-3; XO and NuVox Comments at 2; Sprint Nextel Comments at i-ii; Time Warner Cable/AOL Comments at 1-2; T-Mobile Comments at 2; USA Mobility Comments at 2; Verizon Comments at 1; Vonage Comments at 2-3.

⁷ AT&T Comments at 3 (emphasis in original).

and then allow time to see if the new rules and the newly adopted Telephone Records and Privacy Protection Act of 2006 which makes pretexting a criminal offense, have the desired effect.”⁸

EPIC, one of very few among the commenting parties, supports the adoption of additional CPNI requirements.⁹ In contrast to the specific substantive information regarding the cost and difficulty of implementing new obligations that Comcast and others have submitted, EPIC offers the bare assertion that the burden of implementing new safeguards would be minimal. EPIC provides not a shred of factual information to support its sweeping conclusion regarding the cost and burden of new CPNI requirements. Rather, EPIC instead relies on broad, conclusory generalizations that provide no substantive support for its claims and offer no basis for challenging the information provided by Comcast and others.

EPIC, for example, simply alleges that requiring password protection for all customer-initiated calls can be “easily implement[ed]” and “would require minimal staff training.”¹⁰ In fact, as Comcast explains, extending the password requirement to non-call detail records would greatly increase the volume of customer-initiated calls that would be subject to the requirement, leading to longer customer service call times, delayed access to information, and customer dissatisfaction and confusion.¹¹ Similarly, Verizon estimates that it receives, on average, more than 400,000 residential customer calls per day, and that extending the password requirement

⁸ Embarq Comments at 1-2 (footnote omitted).

⁹ *See generally* Comments of Consumer Action, *et al.* (“EPIC Comments”).

¹⁰ EPIC Comments at 7.

¹¹ Comcast Comments at 5.

would likely cost “many tens of millions of dollars” in part because “upwards of 20 million” of its residential customers do not have passwords.¹²

EPIC also cryptically asserts that the costs of implementing a broad encryption requirement for CPNI data could “easily be reduced.”¹³ The basis for this claim appears to be that if the Commission were to adopt EPIC’s other proposals for an “opt-in” regime for consumers and a requirement that carriers destroy CPNI data that they are not permitted to use for marketing, then carriers would have a far lower volume of CPNI data to encrypt and, consequently, the cost of encryption would be less. The Commission should reject this transparent attempt to divert attention from the flaws in EPIC’s “opt-in” and CPNI retention proposals by claiming that they would reduce the cost of implementing EPIC’s similarly flawed encryption proposal.

As Commissioner McDowell recognized, it is imperative that the FCC’s CPNI “rules . . . strike a careful balance and . . . guard against imposing over-reaching and unnecessary requirements that could cause unjustified burdens and costs on carriers.”¹⁴ EPIC essentially urges the Commission to ignore this sound admonition and require firms, and ultimately their customers, to incur substantial unnecessary additional costs to comply with new CPNI obligations. The Commission should summarily reject EPIC’s proposals.

¹² Verizon Comments at 8, 13.

¹³ EPIC Comments at 10.

¹⁴ CPNI R&O, Separate Statement of Commissioner Robert M. McDowell.

Conclusion

For the foregoing reasons, the Commission should defer taking any further action in this proceeding until the latest CPNI rules have been fully implemented and the Commission, consumers, providers, and other interested parties have had an opportunity to evaluate their effectiveness.

Respectfully submitted,

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Certificate of Service

I hereby certify that on this 7th day of August 2007, I caused true and correct copies of the foregoing Comments of Comcast Corporation to be mailed by electronic mail to:

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