

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

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
)	

PETITION FOR LIMITED TEMPORARY WAIVER

Pursuant to Section 1.3 of the Commission's rules,¹ Consolidated Communications, Inc., on behalf of certain of its operating subsidiaries providing interexchange and conference calling services, ("Consolidated") respectfully requests a limited, temporary waiver of the requirement contained in 47 C.F.R. § 64.2010(f) to notify customers immediately whenever a password or similar information has changed. Consolidated respectfully requests a temporary waiver until the first billing cycle after April 1, 2008 to comply with respect to a small number of customers whose customer proprietary network information ("CPNI") resides on a billing platform operated by a third party. In support of this request, Consolidated shows as follows:

I. FACTS

Consolidated's subsidiary operating companies provide regulated and unregulated services in portions of Illinois and Texas.

¹ 47 C.F.R. § 1.3

For historical reasons, approximately 4,500 customers are billed via a database platform maintained by a third-party vendor rather than via Consolidated's primary customer service and billing platform. Approximately 2,200 of these customers purchase retail long distance services. The remaining customers purchase tariffed broadband Internet access service, web-hosting services, or fiber facilities. Web-hosting services and fiber facilities are provided by unregulated subsidiaries.

Since the release of the *CPNI Order*,² Consolidated has worked diligently to ensure that its own billing and customer data systems and the third-party platform would be compliant by the December 8, 2007 anticipated effective date of the revised CPNI³ rules adopted in that order. Consolidated's own systems were compliant by December 8, 2007, which was the actual effective date.⁴ Except for issuing notices as required by the new CPNI rule at 47 C.F.R. § 64.2010(f), the third-party platform also was compliant by December 8, 2007. Unfortunately, the third-party platform currently is not capable of issuing the required notices and it appears that the platform cannot readily be made capable of doing so.

Consolidated therefore plans to move the few customers served via the third-party platform off of that platform and onto Consolidated's own fully compliant system. Doing so will require approximately 4,500 new accounts to be created in Consolidated's own

² Implementation of the Telecommunications Act of 1996, CC Docket 96-115, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 07-22 (rel. April 2, 2007).

³ Customer proprietary network information.

⁴ See FCC Announces Effective Date of Amended Customer Proprietary Network Information (CPNI) Rules, Public Notice, CC Docket No. 96-115 and WC Docket No. 04-36, DA 07-4915 (December 6, 2007).

system, data to be transferred, data integrity to be tested, and quality-assurance testing to be completed before those accounts become “live” on Consolidated’s system. This work should be completed by April 1, 2008 so that these customers can be served off of Consolidated’s platform beginning with the first billing cycle in April 2008.

Consolidated therefore seeks a limited, temporary waiver of 47 C.F.R. § 2010(f) for those customers affected by the third-party platform until their respective first billing cycle in April 2008.

II. WAIVER IS WARRANTED

Under the circumstances, the requested limited, temporary waiver is warranted.

A. Waiver Standard

Pursuant to Section 1.3 of the Commission’s rules, the Commission may waive its rules upon petition for good cause.⁵ The Commission may take into account such factors as hardship and equity.⁶ Waiver is appropriate if special circumstances exist to warrant a deviation from the general rule,⁷ or where circumstances make strict compliance inconsistent with the public interest and waiver justified in the public interest.⁸

B. Good Cause Exists For Grant of the Waiver

Consolidated has worked diligently to comply with the *CPNI Order* and the new CPNI rules adopted therein. Its own systems are fully compliant with the new rules. The

⁵ 47 C.F.R. § 1.3; *see also* *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert denied* 409 U.S. 1027 (1972) (*WAIT Radio*).

⁶ *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (*Northeast Cellular*).

⁷ *WAIT Radio*, 418 F.2d at 1159.

⁸ *Id.*, *Northeast Cellular*, 897 F.2d at 1166.

third-party platform that is used for a small number of customers, many of whom purchase services that are not subject to the CPNI rules, is fully compliant with the new rules, too, except for 47 C.F.R. § 64.2010(f).

In order to address this deficiency, Consolidated intends to transfer the affected customers onto its own fully compliant system. Doing so will take time, however. Consolidated requests a limited, temporary waiver to allow it adequate time to complete the transfer of these customers.

Under the circumstances, forcing Consolidated strictly to comply with the anticipated effective date of 47 C.F.R. § 64.2010(f) as to the third-party platform would create an undue burden on Consolidated. Indeed, Consolidated does not control the platform at issue. Equitable considerations thus support grant of the limited, temporary waiver requested.

Further, grant of the requested waiver is consistent with the public interest in that it will allow sufficient time for Consolidated to move customers to its own fully compliant system. Moving these customers will ensure that they receive the full benefit of the protections afforded by the *CPNI Order* and the rules adopted therein. It is critical, however, to complete the move in a manner that ensures both the integrity and the accuracy of their CPNI. It also is critical to ensure that Consolidated's own the system operates properly following integration of these customers, especially with respect to the new features and functionalities required by the new CPNI rules.

III. CONCLUSION

Good cause exists for granting Consolidated a limited, temporary waiver until the first billing cycle in April 2008 with respect to the customers currently served via the

third-party platform. Grant of the requested limited, temporary waiver will avoid placing an undue burden on Petitioner. Further, grant of the waiver is consistent with the public interest and is warranted by equitable considerations.

Respectfully Submitted,

**CONSOLIDATED
COMMUNICATIONS, INC.**

By Counsel

/s/ John B. Adams

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December 14, 2007

AFFIDAVIT AND VERIFICATION

STATE OF TEXAS

COUNTY OF MONTGOMERY

TO WIT:

I, Bill Terry, depose and state:

I am Senior Manager, Regulatory for Consolidated Communications. The facts relating to the matters addressed in Consolidated Communications' "Petition for Limited Temporary Waiver" in CC Docket No. 96-115 and WC Docket No. 04-36 have come to be known to me in the course of my employment. I have reviewed that document and attest that the facts described therein are true and correct to the best of my information, knowledge, and belief.


signature

December 14, 2007
date

Taken, subscribed, and sworn before me this 14 day of December 2007.


Notary Public

My Commission expires on 9-30-2008.

