

## EMPLOYEE ACKNOWLEDGEMENT

I have read, understood, and retained a copy of the **TelAlaska CPNI COMPLIANCE MANUAL**, and agree to comply with the policies and procedures as described therein. I have been made aware by TelAlaska of the importance and serious consequences associated with not fully following the operating procedures as outlined in the Compliance Manual and in compliance with FCC Regulations pertaining to Customer Proprietary Network Information.

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**Employee Signature**

**Dated:** \_\_\_\_/\_\_\_\_/\_\_\_\_

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**Please Print Your Name**

**C**USTOMER **P**ROPRIETARY **N**ETWORK **I**NFORMATION

# COMPLIANCE

# MANUAL

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## TABLE OF CONTENTS

I.	DEFINITIONS.....	1
II.	STATEMENT OF CORPORATE POLICY .....	4
III.	USE OF CPNI IN GENERAL.....	5
IV.	GUIDELINES FOR USE OF CPNI.....	6
V.	OBTAINING CUSTOMER APPROVAL FOR USE OF CPNI.....	7
VI.	NOTICES REQUIRED FOR USE OF CPNI .....	8
VII.	COMPANY SAFEGUARDS AND RECORDKEEPING REQUIREMENTS.....	12
	APPENDIX 1 — Annual Corporate Officer Certification Form.....	16
	APPENDIX 2 — Sample Opt-Out Notice.....	18
	APPENDIX 3 — Software Changes .....	19
	APPENDIX 4 — Telecommunications Act of 1996, as amended By 47 USC 222.....	20
	APPENDIX 5 — FCC Regulations, 47 CFR 64.2001-.2009.....	25

# WHAT IS CPNI?

**Customer Proprietary Network Information (CPNI):** Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. CPNI does not include subscriber list information.

## Examples of CPNI:

- information a telecommunications provider has as a result of providing service to a subscriber;
- type of service purchased by a customer;
- providers selected or used by a customer for long distance;
- information appearing on the customer's bill;
- who a customer calls, where they call, when they call, or how much they call; and
- how a customer uses their services.

## Examples of what is Not CPNI:

- a customer's name, address or telephone number (when used in phone books and directory listings/published services);
- aggregate information, or data that is lumped together and is not specific to a single customer – reports containing total counts, number of customers selecting various long distance carriers, etc.; and
- customer premise equipment, internet access or related data, or voice mail information.
- Customers receiving services with TelAlaska have a right, and TelAlaska has a duty, under federal law to protect the confidentiality of customer CPNI. Unless approval is obtained, TelAlaska may not use CPNI to market products and services to customers other than for the services a customer currently purchases.

## I. DEFINITIONS

**Account Information.** “Account information” is information that is specifically connected to the customer’s service relationship with ABC, including such things as an account number or any component thereof, the telephone number associated with the account, or the bill’s amount.

**Address of record.** An “address of record,” whether postal or electronic, is an address that the carrier has associated with the customer’s account for at least 30 days.

**Affiliate:** A company that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another company. The term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent. Eyecom, TelAlaska Long Distance, Interior Telephone Company and Mukluk Telephone Company are defined as affiliates under this definition.

**Account Information:** Information that can be directly linked to the customer’s use of our services, including such things as account number and phone number used to identify the account or bill amount.

**Call detail information.** Any information that pertains to the transmission of specific telephone calls, including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

**Carrier:** See Telecommunications Carrier.

**CMRS:** Commercial Mobile Radio Service. An FCC designation for any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit.

**Communications-Related Services:** Telecommunications services, Information services typically provided by telecommunications carriers, and services related to the provision or maintenance of customer premises equipment.

**Company:** TelAlaska, Inc. and its affiliates

**Customer:** A company or entity to which a telecommunications carrier is currently providing service.

**Customer List Information:** Any information (1) identifying the listed names of a carrier’s customers and the customers’ telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at

the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and (2) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**Customer Premises Equipment:** Equipment employed on the premises of a company (other than a carrier) to originate, route, or terminate telecommunications.

**FCC:** Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States, including commercial and private wireless spectrum management.

**Information Service:** The offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

**Information Services Typically Provided by Telecommunications Carriers:** Information services that telecommunications carriers typically provide, such as Internet access or voice mail services. The term does not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services might otherwise be considered to be information services.

**Local Exchange Carrier:** Any company engaged in the provision of telephone exchange service or exchange access. Such term does not include a company insofar as such company is engaged in the provision of a commercial mobile service (except to the extent that the FCC determines that such service should be included in the definition of the term).

**Opt-In Approval:** A method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the carrier obtain the customer's affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the carrier's request.

**Opt-Out Approval:** A method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the prescribed waiting period (30-33 days), after the customer is provided appropriate notification of the carrier's request for consent.

**Password.** The term “password” means a secret word or sequence of alpha and numeric characters which is used to limit access to a customer’s account to authorized individuals.

**Pre-Texting:** Pretending to be a particular customer or other authorized person, in order to gain access to private customer call information and statistics or other private communications or call records.

**Readily available biographical information.** “Readily available biographical information” is information drawn from the customer’s life history and includes such things as the customer’s social security number, or the last four digits of that number; mother’s maiden name; home address; or date of birth.

**Subscriber list information (SLI).** The term “subscriber list information” means any information –

- (A) identifying the listed names of subscribers of ABC and such subscribers’ telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications;
- (B) ABC or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**Telecommunications Carrier:** Any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 USC 226).

**Telecommunications Service:** The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

**Telephone number of record.** The telephone number associated with the underlying service, not the telephone number supplied as a customer’s “contact information.”

**Valid Photo Identification:** An official document that includes photograph of an individual that is issued by a federal or state agency that positively identifies the holder of the document. The following are examples of valid photo identification to be used for identity purposes for an on site visit:

- Photo State Issued Driver’s License
- Photo State Issued Identification Card
- Photo U.S. Passport
- Photo U.S. Military Identification Card
- Photo US Certificate of Naturalization
- Photo US Citizenship Identification Card

## **II. STATEMENT OF CORPORATE POLICY**

The policy of TelAlaska, Inc. and its affiliates is to comply with the letter and spirit of all laws of the United States, including those pertaining to Customer Proprietary Network Information (CPNI) contained in § 222 of the Telecommunications Act of 1996, as amended, 47 USC 222, and the FCC's regulations, 47 CFR 64.2001-.2009.

The FCC's regulations, 47 CFR 64.2009, require TelAlaska to implement a system to clearly establish the status of a customer's CPNI approval prior to the use of CPNI, and to train its personnel as to when they are, and are not, authorized to use CPNI, and to have an express disciplinary process in place. This Manual constitutes TelAlaska's policies and procedures related to CPNI.

All employees are required to follow the policies and procedures specified in this Manual. Access to CPNI data is limited to employees or entities with the requisite proper authorization as allowed by FCC rules. Any employees or entities with CPNI access must operate under policies that require nondisclosure of confidential information. Improper use or disclosure of CPNI is subject to disciplinary action up to and including termination.

- Any questions regarding compliance with applicable law and this Manual should be referred to your.
- Any violation of, or departure from, the policies and procedures in this Manual shall be reported immediately to the Human Resources Department (907) 550-1676.

### III. USE OF CPNI IN GENERAL

Except as otherwise described in this Manual, when TelAlaska or an Affiliate receives or obtains CPNI by virtue of its provision of a telecommunications service, it can only use, disclose, or permit access to individually identifiable CPNI in its provision of:

- The telecommunications service from which the information is derived or
- services necessary to, or used in, the provision of the telecommunications service, including the publishing of phone directories.

TelAlaska's CPNI rules are more fully discussed in detail later in this manual, but in summary they serve to:

- Prohibit the release of call detail information in response to a customer-initiated telephone inquiry unless the customer provides a password;
- Require passwords for on-line account access;
- Certain business customers that are served only by a dedicated TelAlaska representative as the primary contact are exempt from these CPNI rules;
- Require customer notification of certain types of account changes;
- Require notification within 5 business days to the FCC and affected customers in the event of a CPNI breach;
- Expand the circumstances under which TelAlaska and its affiliates must obtain opt-in consent from customers before disclosing CPNI to joint venture partners or independent contractors for marketing purposes;
- Require TelAlaska telecommunication service providers to file with the FCC an annual CPNI certification (by March 1 of each year for the previous calendar year) that includes a summary of all consumer complaints regarding unauthorized release of CPNI; and
- Apply to interconnected Voice over Internet Protocol ("VOIP") providers.

The Federal Communications Commission CPNI rules go beyond specific substantive requirements to **impose a "presumption"** that any unauthorized release of CPNI will result in an inference that TelAlaska did not take sufficient steps to protect CPNI. TelAlaska is expected to take "every reasonable precaution," which includes not only compliance with these rules, but also any and all additional steps that are feasible for the carrier. Accordingly, it is clear that

the FCC intends to interpret its rules very strictly for future enforcement purposes.

#### **IV. Guidelines for Use of CPNI**

A. For individuals that don't subscribe to our services, TelAlaska may not use, disclose, or permit access to CPNI to market or promote service offerings to a customer that are within a category of service to which the customer does not already subscribe from TelAlaska, unless TelAlaska has customer approval to do so.

B. TelAlaska cannot use, disclose or permit access to CPNI to identify or track customers that call competing service providers. Thus, TelAlaska may not use local service CPNI to track all customers that call its local service competitors.

C. For customers that subscribe to our services, TelAlaska may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) to which the customer already subscribes from TelAlaska, without customer approval. For example:

1. If TelAlaska provides different categories of service, and a customer subscribes to more than one category of service offered by TelAlaska, TelAlaska may share CPNI among its affiliated entities that provide a service offering to the customer, without customer approval. Like Long Distance and Direct TV.

2. If TelAlaska provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI with its affiliates.

D. TelAlaska may use, disclose, or permit access to CPNI, without customer approval, as described below:

1. To provide inside wiring installation, maintenance, and repair services.

2. CMRS providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

3. To market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat

dialing, call tracking, call waiting, caller I.D., call forwarding, and Centrex features.

4. For the provision of customer premises equipment and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

5. To protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

6. Initiate, render, bill and collect for telecommunications services; and

7. Provide call location information concerning the user of a commercial mobile service in emergency situations.

## **V. Obtaining Customer Approval for Use of CPNI**

### **A. Soliciting Customer Approval**

TelAlaska may obtain approval through written, oral or electronic methods.

1. If TelAlaska relies on oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's regulations.

2. A customer's approval or disapproval to use, disclose, or permit access to CPNI will remain in effect until the customer revokes or limits such approval or disapproval.

3. TelAlaska will maintain records of approval, whether oral, written or electronic, for at least one year.

### **B. Use of Opt-Out and Opt-In Approval Processes**

1. TelAlaska may utilize the opt-out or opt-in method to obtain approval to use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer.

2. TelAlaska may also utilize the opt-out or opt-in method to obtain approval to disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents, to its affiliates that provide communications-related services, and to its joint venture partners and independent contractors.

3. If TelAlaska discloses or provides access to CPNI to a joint venture partner or independent contractor, in addition to obtaining customer approval, it must enter into confidentiality agreements with such contractors or partners. The confidentiality agreement will:

- Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which TelAlaska has provided the CPNI;
- Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

## **VI. Notices Required for Use of CPNI**

### **A. Mandatory Notices Regarding Solicitation**

1. Prior to soliciting any customer approval to use, disclose, or permit access to customers' CPNI, TelAlaska must notify the customer of the customer's right to restrict use of, disclosure of, and access to, the customer's CPNI.

2. Content of Notice: Customer notification must provide sufficient information to enable the customer to make an informed decision whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI. The notification must:

- State that the customer has a right, and TelAlaska has a duty, under federal law, to protect the confidentiality of CPNI.
- Specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of the right to disapprove those uses, and deny or withdraw access to CPNI at any time.
- Advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the

provision of any services to which the customer subscribes. However, TelAlaska may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

- Be comprehensible and not misleading.
- State that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.

3. If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

4. If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

5. TelAlaska may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. TelAlaska also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

6. TelAlaska can not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

7. TelAlaska's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

## B. Opt-Out Notice Requirements

Using the opt-out method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer does not object within the prescribed waiting period (30-33 days), after the customer is provided notification of the carrier's request for consent.

TelAlaska shall provide notification to obtain opt-out approval through written means. The contents of any such notification must comply with the requirements of VI.A.3., above.

1. TelAlaska must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming

customer approval to use, disclose, or permit access to CPNI. TelAlaska may, in its discretion, provide for a longer period. TelAlaska must notify customers as to the applicable waiting period for a response before approval is assumed.

- In the case of an electronic form of notification, the waiting period begins to run from the date on which the notification was sent.
- In the case of notification by mail, the waiting period begins to run on the third day following the date that the notification was mailed.

2. If TelAlaska uses the opt-out mechanism it must provide notices to its customers every two years.

3. Use of E-mail: If TelAlaska uses e-mail to provide opt-out notices, it must comply with the following additional requirements:

- TelAlaska must have express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;
- Customers must be able to reply directly to e-mails containing CPNI notices in order to opt-out;
- Opt-out e-mail notices that are returned to TelAlaska as undeliverable must be sent to the customer in another form before TelAlaska may consider the customer to have received notice;
- The subject line of the e-mail must clearly and accurately identify the subject matter of the e-mail;
- TelAlaska must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. TelAlaska may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

### C. Opt-In Notice Requirements

TelAlaska may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements described above.

1. Except for use and disclosure of CPNI that is permitted without customer approval as discussed below, and except for the purpose of marketing communications-related services to a customer, TelAlaska may only use, disclose, or permit access to a customer's individually identifiable CPNI subject to opt-in approval.

#### D. Notice Requirements Specific to One-Time Use of CPNI

1. TelAlaska may use oral notice to obtain limited, onetime use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval based on the nature of the contact.

2. The contents of any such notification must comply with the requirements above, except that TelAlaska may omit any of the following if not relevant to the limited use for which the carrier seeks CPNI:

- TelAlaska need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election.
- TelAlaska need not advise customers that it may share CPNI with its affiliate(s) or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party.
- Carriers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as carriers explain to customers that the scope of the approval the carrier seeks is limited to one-time use.
- Carriers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the carrier clearly communicates that the customer can deny access to his CPNI for the call.

## E. Password and Authentication Requirements

The FCC CPNI regulations are constantly evolving. Following the FCC's most recent amendments to CPNI regulation on August 2, 2007, TELALASKA will utilize new authentication methods to establish customer identity. Customers of TELALASKA must be authenticated prior to releasing any CPNI in one of the following three methods:

- Customers may provide a pre-established password. TelAlaska has established a password protection mechanism for account access, although for in-store visits, TelAlaska may release CPNI if the customer presents a valid, government-issued photo ID that matches the name on the account.
- TelAlaska and its employees may **not** release call detail information during a customer-initiated telephone contact unless the customer first provides password verification authorizing the release of this information.
- TelAlaska may call the customer back at the telephone number associated with the services purchased
- TelAlaska may mail the records to the address of record (Note this must be the address of record for the previous 30 days, not a new one.)
- Tel Alaska is prohibited from releasing call detail information during customer initiated conversations without a verification method to identify the customer of record.
- Passwords and/or PIN numbers will be provided to customers for security purposes. They must not be social security numbers, mother's maiden name, amount of the last bill or pet's names. Back-up authentication is accepted; however, if a customer fails to provide the correct password and/or back-up response, they must be re-authenticated prior to gaining online access.

## VII. Company Safeguards and Recordkeeping Requirements.

### A. Management Safeguards

1. Training of Company personnel will include review of this Manual by all new employees and all existing employees who have not previously done so.

2. TelAlaska will provide additional training on an annual basis and as needed if the FCC revises the regulations governing CPNI.

3. Any improper use of CPNI will result in disciplinary action in accordance with established Company disciplinary policies. Any improper use shall be treated as a serious offense, and may result in suspension or termination of employment in appropriate cases. In addition, any company personnel making improper use of CPNI will undergo additional training to ensure future compliance.

4. TelAlaska will provide the customer with written notice of any changes made to their account. For example a change to their password or the adding of an individual to their account.

5. TelAlaska will provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

- The notice will be in the form of a letter, and will include TelAlaska's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.
- TelAlaska must submit the notice even if TelAlaska offers other methods by which consumers may opt-out.

6. On an annual basis, a corporate officer of TelAlaska will sign a compliance certificate (Appendix 1) stating that the officer has personal knowledge that TelAlaska has established operating procedures that are adequate to ensure compliance with the FCC's rules.

7. TelAlaska will review these procedures on a continuing basis to ensure compliance with all FCC regulations, and will revise these procedures as needed to reflect any subsequent revisions to the applicable Rules and Regulations addressing CPNI.

#### B. Steps Taken by TelAlaska, Inc. to Secure CPNI:

TelAlaska has put in place numerous methods to protect customer CPNI. This process begins with software enhancements which display whether or not a customer has approved the use of their CPNI. Other ways TelAlaska protects CPNI are as follows:

- Access into TelAlaska buildings and facilities is limited
- Customer account information access is restricted to authorized personnel
- Customer accounts are limited to the authorized customer with passwords or other information used to verify identity
- Marketing campaigns are reviewed for CPNI
- Vendors with access to proprietary information must sign non-disclosure agreements and have the ability to keep CPNI secure
- Review of this Manual by all existing employees in the form of scheduled training with question and answer section.
- Training for all TelAlaska staff is held on an annual basis and during orientation for new hires.

### C. Recordkeeping

1. TelAlaska will maintain records of its own sales and marketing campaigns that use CPNI in files clearly identified as such. These records include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. TelAlaska will maintain these records in its offices for a minimum of five years.
2. TelAlaska will maintain records of its affiliates' sales and marketing campaigns that use CPNI in files clearly identified as such. These records will include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. The Company will maintain these records in its offices for a minimum of five years.
3. TelAlaska will maintain records of all instances where it discloses or provides CPNI to third parties, or where third parties are allowed access to CPNI, in files clearly identified as such. These records will include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. The Company maintains these records in its offices for a minimum of five years.

4. TelAlaska's policy is to maintain records of customer approval for use of CPNI, as well as notices required by the FCC's regulations, for a minimum of five years. TelAlaska maintains records of customer approval and disapproval for use of CPNI in a readily-available location that is consulted on an as-needed basis.

TelAlaska will maintain separate files in which it will retain any court orders respecting CPNI.

# APPENDIX 1

Before the  
Federal Communications Commission  
Washington, D.C. 20554

CPNI Complaisance Certification	)	CC Docket No. 96-115
	)	
	)	WC Docket No. 04-36\
	)	
As Required by FCC	)	TRS # 805689
		#809064
		#819420

## **INTERIOR TELEPHONE COMPANY, INC.; MUKLUK TELEPHONE COMPANY, INC.; AND TELALASKA LONG DISTANCE, INC. CERTIFICATION OF CPNI FILING (March 1, 2008)**

1. Interior Telephone Company, Inc. ("ITC") (TRS # 805689), Mukluk Telephone Company, Inc. ("MTC") (TRS #809064) and TelAlaska Long Distance, Inc. ("TALD") (TRS #819420) is submitting this compliance certificate in response to the Report & Order released by the FCC on April 2, 2007 (FCC 07-22), pursuant to section 64.2009(e) of the Commission's rules.
2. As a corporate officer of ITC, MTC and TALD, I hereby certify that based on my personal knowledge, ITC, MTC and TALD are in compliance with the rules established by the Federal Communications Commission (FCC) concerning permissible use of Customer Proprietary Network Information (CPNI), specified in Section 64 of the FCC's rules, 64 C.F.R. Section 2001 et seq..
3. ITC, MTC and TALD acknowledges and is in compliance with the FCC's requirement that carriers must develop and implement software that indicates within the first few lines of the first screen of a customer's service record their CPNI approval status, as well as reference the customer's existing service subscription.
4. ITC, MTC and TALD acknowledges and is in compliance with the FCC's requirement that telecommunications carriers must train their personnel as to when they are and not permitted to use CPNI, and that carriers must have an express disciplinary process in place in case of a breach of these standards.
5. ITC, MTC and TALD acknowledges and is in compliance with the FCC's requirement that telecommunications carriers need only maintain a record of their sales and marketing campaigns that use CPNI.

6. ITC, MTC and TALD acknowledges and is in compliance with the FCC's requirement that telecommunications carriers must establish a supervisory review process to monitor the compliance of its outbound marketing operations with the FCC's CPNI rules. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request. Per FCC's rules, ITC will maintain records of its compliance with this requirement for a period of five years.

7. This certification is signed below by an officer of ITC, MTC and TALD, who has personal knowledge that ITC, MTC and TALD in addition, to the foregoing acknowledgments, and incorporated as part of this certification, attaches its CPNI policy and procedures manual that ITC, MTC and TALD are using to comply with the Commission's restriction on the use of CPNI (such as distinguishing the CPNI of customers who have not consented to ITC, MTC and/or TALD's use of this information for marketing purposes) and that the statements in this filing are true and correct.

---

Marnie Brennan, Chief Marketing Officer  
TelAlaska, Inc.  
Interior Telephone Company, Inc.  
Mukluk Telephone Company, Inc.  
TelAlaska Long Distance, Inc.  
201 E 56<sup>th</sup> Avenue  
Anchorage, AK 99518  
(907) 563-2003

# Make it Easy!

TelAlaska

To talk to us about your services. Some federal rules have changed.

December 11, 2007

To Our Valued Customers,

Under federal law, you have the right to confidentiality of information regarding the telecommunication services to which you subscribe and TelAlaska has the duty to protect that confidentiality. This confidential information includes such things as specific services you purchase, the number of services purchased, who your provider is for a service, call detail records, and charges related to the services purchased.

**This information is referred to as Customer Proprietary Network Information (CPNI).**

On April 2, 2007, the Federal Communications Commission (FCC) released new rules pertaining to “call detail” CPNI. This refers to information pertaining to the transmission of specific telephone calls, such as telephone number called, telephone number calling time, date, charges, location and duration of the telephone call.

Among the new rules is the option for you to **Establish a Password with TelAlaska** and provide that password during a telephone call from you before we are authorized to disclose or discuss call detail records.

If you happen to lose or forget your password, TelAlaska has implemented a back-up authentication method. We will ask that you select one of three secret questions to answer. This secret question should prompt you for a response that will allow us to provide you with your password.

**If you choose not to establish a password and/or secret question**, below are alternatives which can be used in order for us to discuss or provide you call detail information.

- TelAlaska may discuss only the call detail information you provide such as called number, when it was called, the duration of the call, and, if applicable, the amount charged for the call.
- TelAlaska can send the call detail information to the address of record that we have on file for you.
- TelAlaska can call you back at the telephone number of record from which your service is derived.
- TelAlaska may disclose call detail CPNI to you at our business office with a valid photo ID matching the name listed on the account. Note that we are only authorized to disclose call detail CPNI to the individual(s) listed on the account with a valid photo ID.

**This password protection has become effective immediately** so we strongly encourage you to establish a password and back-up secret question by completing the enclosed form. A return envelope is provided.

The new CPNI rules also require we notify you immediately if your password, your response to a backup means of authorization for lost or forgotten passwords, or address of record is created or changed. You will be notified by telephone number of record, or by mail to the address of record as it was prior to the change.

Please feel free to contact TelAlaska at 1-800-478-3127 with any questions or concerns.

Sincerely,

Rosemary Kuiper  
Customer Service Manager

## APPENDIX 3

### SOFTWARE CHANGES MADE TO ACCOMDATE NEW CPNI PROCEDURES



OMNIA™

**Document Number:** MG 07-124  
**Date:** September 6, 2007  
**To:** OMNIA Clients  
**RE:** OMNIA Software Enhancements In  
Progress for CPNI Regulations

### OMNIA Software Announcement

Martin Group has met internally with our Development, Support, Advisory Councils, and Regulatory staff to discuss/interpret the CPNI changes which are due to become effective December 8, 2007 [dependent upon OMB (Office of Management and Budget) approval prior to 12/08/07]. In an effort to help with tracking and reporting of CPNI data, the software will be enhanced to give you better control over these regulations. Martin Group would like to reassure our clients that these software changes to better support CPNI will be released prior to the effective date. Following is a list of modifications that Martin Group currently plans to release to meet the needs of these regulatory changes.

1. Add fields to store customers Opt-In (authority to share CPNI with 3rd Parties) and Opt-Out (target marketing) choices. The date that each choice was made will also be stored.
2. Add fields for password or security questions.
3. Add the ability to notify your customers within 48 hours in the following cases:
  - a. A new password is created or changed.
  - b. The address of record is changed.
  - c. The on-line account of record is changed.
  - d. If back-up questions are used to re-issue a lost or forgotten password.

This information will be discussed in our OMNIA Roundtable discussion at the User Group Meeting in Nashville the week of September 10th. Please watch for future training sessions in conjunction with the software release.

## APPENDIX 4

From the U.S. Code Online via GPO Access  
[wais.access.gpo.gov]  
[Laws in effect as of January 3, 2005]  
[Document not affected by Public Laws enacted between  
January 3, 2005 and February 2, 2007]  
[CITE: 47USC222]

### TITLE 47--TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

#### CHAPTER 5--WIRE OR RADIO COMMUNICATION

##### SUBCHAPTER II--COMMON CARRIERS

###### Part I--Common Carrier Regulation

###### Sec. 222. Privacy of customer information

###### (a) In general

Every telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other telecommunication carriers, equipment manufacturers, and customers, including telecommunication carriers reselling telecommunications services provided by a telecommunications carrier.

###### (b) Confidentiality of carrier information

A telecommunications carrier that receives or obtains proprietary information from another carrier for purposes of providing any telecommunications service shall use such information only for such purpose, and shall not use such information for its own marketing efforts.

###### (c) Confidentiality of customer proprietary network information

###### (1) Privacy requirements for telecommunications carriers

Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose, or permit

access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

(2) Disclosure on request by customers

A telecommunications carrier shall disclose customer proprietary network information, upon affirmative written request by the customer, to any person designated by the customer.

(3) Aggregate customer information

A telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service may use, disclose, or permit access to aggregate customer information other than for the purposes described in paragraph (1). A local exchange carrier may use, disclose, or permit access to aggregate customer information other than for purposes described in paragraph (1) only if it provides such aggregate information to other carriers or persons on reasonable and nondiscriminatory terms and conditions upon reasonable request therefor.

(d) Exceptions

Nothing in this section prohibits a telecommunications carrier from using, disclosing, or permitting access to customer proprietary network information obtained from its customers, either directly or indirectly through its agents--

(1) to initiate, render, bill, and collect for telecommunications services;

(2) to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services;

(3) to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call, if such call was initiated by the customer and the customer approves of the use of such information to provide such service; and

(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d) of this title)--

(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency

or trauma care facility, in order to respond to the user's call for emergency services;

(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.

(e) Subscriber list information

Notwithstanding subsections (b), (c), and (d) of this section, a telecommunications carrier that provides telephone exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format.

(f) Authority to use wireless location information

For purposes of subsection (c)(1) of this section, without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to--

(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d) of this title), other than in accordance with subsection (d)(4) of this section; or

(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.

(g) Subscriber listed and unlisted information for emergency services

Notwithstanding subsections (b), (c), and (d) of this section, a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (i)(3)(A) \1\ of this section (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.

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\\1\ So in original. Probably should be subsection ``(h)(3)(A)".  
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(h) Definitions

As used in this section:

(1) Customer proprietary network information

The term ``customer proprietary network information" means--

(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

(B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier;

except that such term does not include subscriber list information.

(2) Aggregate information

The term ``aggregate customer information" means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed.

(3) Subscriber list information

The term ``subscriber list information" means any information--

(A) identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and

(B) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(4) Public safety answering point

The term ``public safety answering point" means a facility that

has been designated to receive emergency calls and route them to emergency service personnel.

(5) Emergency services

The term "emergency services" means 9-1-1 emergency services and emergency notification services.

(6) Emergency notification services

The term "emergency notification services" means services that notify the public of an emergency.

(7) Emergency support services

The term "emergency support services" means information or data base management services used in support of emergency services.

(June 19, 1934, ch. 652, title II, Sec. 222, as added Pub. L. 104-104, title VII, Sec. 702, Feb. 8, 1996, 110 Stat. 148; amended Pub. L. 106-81, Sec. 5, Oct. 26, 1999, 113 Stat. 1288.)

Prior Provisions

A prior section 222, act June 19, 1934, ch. 652, title II, Sec. 222, as added Mar. 6, 1943, ch. 10, Sec. 1, 57 Stat. 5; amended July 12, 1960, Pub. L. 86-624, Sec. 36, 74 Stat. 421; Nov. 30, 1974, Pub. L. 93-506, Sec. 2, 88 Stat. 1577; Dec. 24, 1980, Pub. L. 96-590, 94 Stat. 3414; Dec. 29, 1981, Pub. L. 97-130, Sec. 2, 95 Stat. 1687, related to competition among record carriers, prior to repeal by Pub. L. 103-414, title III, Sec. 304(a)(6), Oct. 25, 1994, 108 Stat. 4297.

Amendments

1999--Subsec. (d)(4). Pub. L. 106-81, Sec. 5(1), added par. (4).

Subsecs. (f), (g). Pub. L. 106-81, Sec. 5(2), added subsecs. (f) and (g). Former subsec. (f) redesignated (h).

Subsec. (h). Pub. L. 106-81, Sec. 5(2)-(4), redesignated subsec. (f) as (h), inserted "location," after "destination," in par. (1)(A), and added pars. (4) to (7).

## APPENDIX 5

[Code of Federal Regulations]  
[Title 47, Volume 3]  
[Revised as of October 1, 2006]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 47CFR64]

[Page 321-326]

### TITLE 47--TELECOMMUNICATION

#### CHAPTER I--FEDERAL COMMUNICATIONS COMMISSION (CONTINUED)

#### PART 64\_MISCELLANEOUS RULES RELATING TO COMMON CARRIERS--Table of Contents

##### Subpart U\_Customer Proprietary Network Information

Source: 63 FR 20338, Apr. 24, 1998, unless otherwise noted.

##### Sec. 64.2001 Basis and purpose.

(a) Basis. The rules in this subpart are issued pursuant to the Communications Act of 1934, as amended.

(b) Purpose. The purpose of the rules in this subpart is to implement section 222 of the Communications Act of 1934, as amended, 47 U.S.C. 222.

##### Sec. 64.2003 Definitions.

Terms in this subpart have the following meanings:

(a) Affiliate. The term ``affiliate" has the same meaning given such term in section 3(1) of the Communications Act of 1934, as amended, 47 U.S.C. 153(1).

(b) Communications-related services. The term ``communications-related services" means telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision or maintenance of customer premises equipment.

(c) Customer. A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.

(d) Customer proprietary network information (CPNI). The term "customer proprietary network information (CPNI)" has the same meaning given to such term in section 222(h)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 222(h)(1).

(e) Customer premises equipment (CPE). The term "customer premises equipment (CPE)" has the same meaning given to such term in section 3(14) of the Communications Act of 1934, as amended, 47 U.S.C. 153(14).

(f) Information services typically provided by telecommunications carriers. The phrase "information services typically provided by telecommunications carriers" means only those information services (as defined in section 3(20) of the Communications Act of 1934, as amended, 47 U.S.C. 153(2)) that are typically provided by telecommunications carriers, such as Internet access or

[[Page 322]]

voice mail services. Such phrase "information services typically provided by telecommunications carriers," as used in this subpart, shall not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services may otherwise be considered to be information services.

(g) Local exchange carrier (LEC). The term "local exchange carrier (LEC)" has the same meaning given to such term in section 3(26) of the Communications Act of 1934, as amended, 47 U.S.C. 153(26).

(h) Opt-in approval. The term "opt-in approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the carrier obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the carrier's request consistent with the requirements set forth in this subpart.

(i) Opt-out approval. The term "opt-out approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the waiting period described in Sec. 64.2009(d)(1) after the customer is provided appropriate notification of the carrier's request for consent consistent with the rules in this subpart.

(j) Subscriber list information (SLI). The term "subscriber list information (SLI)" has the same meaning given to such term in section 222(h)(3) of the Communications Act of 1934, as amended, 47 U.S.C. 222(h)(3).

(k) Telecommunications carrier or carrier. The terms "telecommunications carrier" or "carrier" shall have the same

meaning as set forth in section 3(44) of the Communications Act of 1934, as amended, 47 U.S.C. 153(44).

(l) Telecommunications service. The term "telecommunications service" has the same meaning given to such term in section 3(46) of the Communications Act of 1934, as amended, 47 U.S.C. 153(46).

[67 FR 59211, Sept. 20, 2002]

Sec. 64.2005 Use of customer proprietary network information without customer approval.

(a) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) to which the customer already subscribes from the same carrier, without customer approval.

(1) If a telecommunications carrier provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

(2) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI with its affiliates, except as provided in Sec. 64.2007(b).

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from that carrier, unless that carrier has customer approval to do so, except as described in paragraph (c) of this section.

(1) A wireless provider may use, disclose, or permit access to CPNI derived from its provision of CMRS, without customer approval, for the provision of CPE and information service(s). A wireline carrier may use, disclose or permit access to CPNI derived from its provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

(2) A telecommunications carrier may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, a local exchange carrier

[[Page 323]]

may not use local service CPNI to track all customers that call local

service competitors.

(c) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this paragraph (c).

(1) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(2) CMRS providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(3) LECs and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

(d) A telecommunications carrier may use, disclose, or permit access to CPNI to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

[63 FR 20338, Apr. 24, 1998, as amended at 64 FR 53264, Oct. 1, 1999; 67 FR 59211, Sept. 20, 2002]

#### Sec. 64.2007 Approval required for use of customer proprietary network information.

(a) A telecommunications carrier may obtain approval through written, oral or electronic methods.

(1) A telecommunications carrier relying on oral approval shall bear the burden of demonstrating that such approval has been given in compliance with the Commission's rules in this part.

(2) Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a telecommunications carrier must remain in effect until the customer revokes or limits such approval or disapproval.

(3) A telecommunications carrier must maintain records of approval, whether oral, written or electronic, for at least one year.

(b) Use of Opt-Out and Opt-In Approval Processes. (1) A telecommunications carrier may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. A telecommunications carrier may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. A telecommunications carrier may also permit such persons

or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth in paragraph (b)(2) of this section.

(2) Joint Venture/Contractor Safeguards. A telecommunications carrier that discloses or provides access to CPNI to its joint venture partners or independent contractors shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

(i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;

(ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and

(iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

(3) Except for use and disclosure of CPNI that is permitted without customer approval under section Sec. 64.2005, or that is described in paragraph (b)(1)

[[Page 324]]

of this section, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, a telecommunications carrier may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

[67 FR 59212, Sept. 20, 2002]

Effective Date Note: At 67 FR 59212, Sept. 20, 2002, Sec. 64.2007 was revised. This section contains information collection requirements and will not become effective until approval has been given by the Office of Management and Budget.

Sec. 64.2008 Notice required for use of customer proprietary network information.

(a) Notification, Generally. (1) Prior to any solicitation for customer approval, a telecommunications carrier must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) A telecommunications carrier must maintain records of notification, whether oral, written or electronic, for at least one

year.

(b) Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

(c) Content of Notice. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and the carrier has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, carriers may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.

(10) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

(d) Notice Requirements Specific to Opt-Out. A telecommunications carrier must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as

provided in paragraph (f) of this section). The contents of any such notification must comply with the requirements of paragraph (c) of this section.

(1) Carriers must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A carrier may, in its discretion, provide for a longer period. Carriers must notify customers as to the

[[Page 325]]

applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Carriers using the opt-out mechanism must provide notices to their customers every two years.

(3) Telecommunications carriers that use e-mail to provide opt-out notices must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) Carriers must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;

(ii) Carriers must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to the carrier as undeliverable must be sent to the customer in another form before carriers may consider the customer to have received notice;

(iv) Carriers that use e-mail to send CPNI notices must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) Telecommunications carriers must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Carriers may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

(e) Notice Requirements Specific to Opt-In. A telecommunications carrier may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph (c) of this section.

(f) Notice Requirements Specific to One-Time Use of CPNI. (1) Carriers may use oral notice to obtain limited, one-time use of CPNI for

inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph (c) of this section, except that telecommunications carriers may omit any of the following notice provisions if not relevant to the limited use for which the carrier seeks CPNI:

(i) Carriers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) Carriers need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) Carriers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as carriers explain to customers that the scope of the approval the carrier seeks is limited to one-time use; and

(iv) Carriers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the carrier clearly communicates that the customer can deny access to his CPNI for the call.

[67 FR 59212, Sept. 20, 2002]

Effective Date Note: At 67 FR 59212, Sept. 20, 2002, Sec. 64.2008 was added. This section contains information collection requirements and will not become effective until approval has been given by the Office of Management and Budget.

Sec. 64.2009 Safeguards required for use of customer proprietary network information.

(a) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

(b) Telecommunications carriers must train their personnel as to when they are and are not authorized to use

[[Page 326]]

CPNI, and carriers must have an express disciplinary process in place.

(c) All carriers shall maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. All carriers shall maintain a record of all instances where CPNI was disclosed or provided to third

parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Carriers shall retain the record for a minimum of one year.

(d) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with the rules in this subpart for outbound marketing situations and maintain records of carrier compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

(e) A telecommunications carrier must have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

(f) Carriers must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.

[63 FR 20338, Apr. 24, 1998, as amended at 64 FR 53264, Oct. 1, 1999; 67 FR 59213, Sept. 20, 2002]

Effective Date Note: At 67 FR 59213, Sept. 20, 2002, Sec. 64.2009 was amended by revising paragraphs (c) and (d) and by adding paragraph (f). These paragraphs contain information collection requirements and will not become effective until approval has been given by the Office of Management and Budget.

Subpart V [Reserved]

Subpart W [Reserved]