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LAWLER, METZGER, MILKMAN & KEENEY, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

A. RENÉE CALLAHAN
PHONE (202) 777-7723

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

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FILED/ACCEPTED
FEB 29 2008
Federal Communications Commission
Office of the Secretary

February 29, 2008

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street SW, Suite TW-A325
Washington, DC 20554

Re: Annual Customer Proprietary Network Information ("CPNI") Certification
EB Docket No. 06-36

Dear Ms. Dortch:

This letter provides notice for the public record that the undersigned counsel to Comcast Corporation ("Comcast") filed today a copy of Comcast's unredacted, confidential Annual CPNI Certification and Compliance Statement under seal, pursuant to the attached request for confidential treatment.

Four copies of the filing, as redacted for public inspection, are attached to this letter. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A. Renée Callahan

A. Renée Callahan

Attachments

No. of Copies rec'd 0+4
List ABCDE

cc: Federal Communications Commission
Enforcement Bureau
Telecommunications Consumers Division
445 12th Street SW, Suite CY-B402
Washington, DC 20554
(two copies)

Best Copy and Printing, Inc.
445 12th Street SW, Suite CY-B402
Washington, DC 20554
fcc@bcpiweb.com
(via email)

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WASHINGTON, D.C. 20006

A. RENÉE CALLAHAN

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REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459

February 29, 2008

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street SW, Suite TW-A325
Washington, DC 20554

Re: Annual Customer Proprietary Network Information ("CPNI") Certification
EB Docket No. 06-36

Dear Ms. Dortch:

Pursuant to Exemptions 4 and 7 of the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552(b)(4) & (7), and the rules of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. §§ 0.457(d) & 0.459, Comcast Corporation ("Comcast") hereby requests confidential treatment for certain information contained in its Annual CPNI Certification ("Certification").[1] As explained below, the Certification contains company-specific, confidential data about Comcast's CPNI security procedures and is protected from disclosure by FOIA Exemptions 4 and 7, and the Commission's rules.[2]

1. *Identification of the specific information for which confidential treatment is sought.* Comcast requests that the redacted portions of the Certification be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect information not routinely available for public inspection. The Certification contains company-specific, confidential data about

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1 Annual CPNI Certification & Compliance Statement, EB Docket No. 06-36 (filed February 29, 2008) (attached).

2 5 U.S.C. §§ 552(b)(4), 552(b)(7); 47 C.F.R. §§ 0.457(d) & 0.457(d)(2).

Comcast's CPNI security procedures that would not routinely be made available to the public. In addition, the Certification discloses information regarding security procedures and techniques that may provide a "roadmap" for data brokers or pretexters seeking to obtain unauthorized access to CPNI. Such information is protected from disclosure by the Commission's rules and FOIA Exemption 7.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is being submitted pursuant to the Commission's rule requiring the filing of annual CPNI certifications.[3]

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Certification contains company-specific, confidential data about Comcast's CPNI security procedures and techniques. If this information were to be made public, data brokers or pretexters could use it to attempt to circumvent Comcast's security systems and obtain unauthorized access to CPNI, potentially causing harm to Comcast and its customers.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates directly to Comcast's provision of Voice over Internet Protocol (VoIP) service, which is subject to vigorous competition.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* As noted, the Certification discloses sensitive information regarding Comcast's security procedures and techniques. If this information were to be made public, data brokers or pretexters could use it to attempt to circumvent Comcast's security systems and obtain unauthorized access to CPNI, potentially causing substantial competitive harm to Comcast.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Certification is not available to the public and has not otherwise been disclosed previously in this form to third parties.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Comcast requests that the information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

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[3] 47 C.F.R. § 64.2009(e).

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* If publicly disclosed, the confidential information contained in the Certification may potentially assist data brokers, pretexters, and other wrongdoers in causing harm. Moreover, where, as here, disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.[4] Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily providing such information in the future and potentially deprive the FCC of information necessary to evaluate facts relevant to policy issues under its jurisdiction.

In the event that the Commission declines to grant this request, disclosure of the redacted information (other than to a Commission employee working directly on the matter) should be permitted only under limited circumstances and with appropriate protections in place. If such a request occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Comcast to pursue appropriate remedies to preserve the confidentiality of the information, including requesting that disclosure be permitted only for legal counsel who have executed the Commission's standard protective order.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,

A. Renée Callahan

Attachments

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4 *See, e.g., National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained.'") (citation omitted).

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date filed: February 29, 2008

Name of company covered by this certification: Comcast Corporation

Form 499 Filer ID: 0015401581

Name of signatory: Catherine Avgiris

Title of signatory: Senior Vice President and General Manager of Voice Services

I, Catherine Avgiris, certify that I am an officer of the company named above and acting as an agent of the company, and that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification are two accompanying statements explaining how the company's procedures ensured that the company was in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules as those rules existed prior to December 8, 2007 and ensure that the company is currently in compliance with section 64.2001 *et seq.* of the Commission's rules as those rules exist today.

[redacted]

The company did receive customer complaints between December 8, 2007 and December 31, 2007 concerning the unauthorized release of CPNI. Attached to this certification is a summary of the number of customer complaints Comcast has received related to unauthorized access to, or unauthorized disclosure of CPNI, broken down by category of complaint. After investigation, none of the complaints received by Comcast between December 8, 2007 and December 31, 2007 resulted in a confirmed CPNI breach.

Signed Catherine Avgiris
Catherine Avgiris
Senior Vice President and General Manager of Voice Services
February 28, 2008

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CPNI Compliance Statement - Pre-December 8, 2007

In 47 C.F.R. 64.2001 *et seq.*, the Federal Communications Commission ("Commission") established rules regarding customer proprietary network information ("CPNI"). Among other things, the Commission's rules require effective notice to customers of the rights they have regarding the confidentiality of CPNI. The Commission also established a variety of safeguards governing use of, disclosure of, and access to CPNI, along with reporting and record-keeping requirements. This statement summarizes the operating procedures established by Comcast Corporation ("Comcast") on behalf of its telecommunications carrier subsidiaries, to ensure compliance with the Commission's rules as they existed prior to December 8, 2007.

Notice: Following the acquisition of AT&T Broadband, Comcast required that all existing customers of its telecommunications carrier subsidiaries be notified of their rights to prohibit the use of CPNI and Comcast's duty to protect its confidentiality. On an ongoing basis, new customers of Comcast's telecommunications services and its interconnected voice over Internet protocol ("VOIP") services are provided notice of these rights, for example as part of a welcome kit or welcome letter. Comcast provides customers that have not previously denied use of their CPNI annual notice of their right to do so for both communications ("opt-out") and non-communications related ("opt-in") offerings. During in-bound and out-bound telephone contacts with a customer, Comcast representatives follow applicable requirements to provide notice and obtain oral consent to use the customer's CPNI solely for the duration the call. Comcast's privacy and CPNI policy is available on its website at the following Internet address: http://www.comcast.com/customerprivacy/.

Consent or Denial: Consistent with the Commission's rules, Comcast established a 33-day waiting period for the customer to respond to its annual CPNI notifications. Customers may indicate their consent or refusal to permit use of, disclosure of, or access to their CPNI by calling a local or toll-free customer service number twenty-four hours a day, seven days a week. If a customer contacts Comcast to prohibit use of the customer's CPNI, the customer's account is updated to reflect the customer's preference. [redacted]

Marketing: Comcast requires supervisory-level review of any marketing campaigns that may involve the use of the CPNI. Comcast requires that all CPNI records be verified prior to conducting a direct mail or outbound call marketing campaign that relies on use of CPNI. Any customers that have denied use of CPNI must be removed from the solicitation. Comcast has established record-keeping requirements to ensure that complete records are maintained for a period of at least one year that include the specific CPNI that was used and the products and services offered, sold or used in the campaign.

Joint Ventures, Contractors, and Third Parties: To the extent that Comcast enters into an arrangement which entails disclosure or access to CPNI by joint venture partners or independent contractors, Comcast procedures require the joint venture partner or independent contractor to enter into a confidentiality agreement which limits access to the CPNI to the specific purposes and uses permitted by the Commission's rules in accordance with applicable opt-in or opt-out requirements, dependent on the nature of the services offered. As a matter of practice, Comcast does not sell CPNI to third parties and any disclosures are limited to the narrow circumstances permitted by the Commission's rules (such as where disclosure is permitted to protect other carriers from fraudulent, abusive, or unlawful use of or subscription to, its services). In the event that Comcast were to provide CPNI to third parties, its existing procedures, such as obtaining express customer approval and requiring appropriate non-disclosure agreements, are sufficient to ensure that any such disclosures would comply fully with the Commission's rules.

Adherence: Comcast requires that all call center agents, including those assigned to sales and those assigned to customer service, undergo a mandatory training on the Commission's CPNI rules and Comcast's procedures with respect to the confidentiality and restrictions on use of CPNI. Training is also available on a voluntary basis for any other Comcast personnel who require further information about Comcast's policies and procedures regarding the use of CPNI. [redacted] Agents trained in the use of CPNI are subject to a strict enforcement policy, including termination for repeat violations. Information regarding the rules governing CPNI is disseminated to other relevant personnel as needed through the ordinary course of business. Comcast will promptly report to the Commission if it ever discovers any material failure of these safeguards.

CPNI Compliance Statement - December 8, 2007 through December 31, 2007

The internal operating procedures and practices of Comcast, as defined above, ensure that Comcast complies with the FCC's rules at 47 C.F.R. § 64.2001, *et seq.*, governing the use and disclosure of CPNI. Compliance with such rules is demonstrated by the policies, practices, training and audit procedures employed by Comcast. Following is a brief explanation of the procedures Comcast employs.

First, as to the use of CPNI for marketing purposes, it is Comcast's policy not to authorize the use of CPNI for the purpose of marketing service offerings among the different categories of service that Comcast provides to subscribers.

Second, It is Comcast's policy not to share CPNI with third party vendors or joint venture partners for the purpose of marketing and Comcast does not authorize the use of Comcast subscribers' CPNI by third party vendors or joint venture partners for the purposes of marketing.

Third, It is Comcast's policy to only release CPNI to third party vendors or joint venture partners pursuant to a written agreement containing the appropriate restrictions regarding the confidentiality and safeguarding of CPNI, and then only for the limited purpose of initiating, rendering, billing and/or collecting for services rendered to the subscribers of Comcast.

Fourth, the agents of Comcast are not authorized to discuss call detail information over the phone unless the customer is first able to: provide a four digit security PIN number assigned to the customer by Comcast,[1] answer a back-up security question not based on readily available biographical information or account information, or is first able to identify and provide specific information about the call(s) [redacted] without the agent's assistance).

Fifth, Comcast's policy is not to provide online access to any CPNI until the customer requesting such access provides a password that has been established by the customer without the use of readily available biographical information or account information or the customer is able to answer a back-up security question not based on readily available biographical information or account information.

Sixth, Comcast's policy is not to disclose CPNI to a customer at a retail location unless the customer presents a valid photo ID matching the customer's account information.

Seventh, [redacted]

[1] [redacted]

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Eighth, Comcast employs a variety of internal and external operating procedures to ensure compliance with CPNI regulations. Such procedures include:

A) The publication of a privacy policy including CPNI-specific polices on Comcast.com and circulation of that policy within Comcast during CPNI training.

B) Regular recurring training programs concerning the proper treatment, use and disclosure of CPNI.

C) The implementation and administration of an employee disciplinary program used to ensure compliance with internal procedures. Such program includes a variety of different penalties for the violation of internal privacy procedures, including the termination of employment where appropriate.

[redacted]

Ninth, it is Comcast's policy to notify law enforcement of a breach of its customers' CPNI as soon as practicable, and in no event later than 7 business days, after reasonable determination of the breach, by electronic notification to the United States Secret Service and the Federal Bureau of Investigation through a central reporting facility. Comcast will not notify customers or disclose the breach to the public until 7 full business days have passed after notification except when it believes there is an extraordinarily urgent need and after consultation with and in cooperation with the relevant investigating agency. Comcast will delay notification to customers or the public if directed to do so in writing by the investigating agency. Comcast maintains a record for at least 2 years of any breaches discovered and notifications made.

2007 CPNI Complaint Summary of Comcast Corporation

	2007
CPNI Complaints	
• **Unauthorized Access by Employees**	
Total Complaints Received	0
Valid Complaints	0
• **Improper Disclosure to Unauthorized Parties**	
Total Complaints Received	1
Valid Complaints	0
• **Improper Access to On-Line Information by Unauthorized Parties**	
Total Complaints Received	23
Valid Complaints	0
• **Unauthorized Changes to Customer Record**	
Total Complaints Received	455
Valid Complaints	0
Actions Taken Against Pretexters	
Court Actions	0
State Commission Actions	0
FCC Actions	0

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