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January 27, 2009

Julie Veach
Acting Chief, Competition Policy Division
Wireline Competition Bureau

Erica McMahon
Chief, Consumer Policy Division
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Notification Under Section 64.2009(f), CC Docket No. 96-115

Dear Ms. Veach and Ms. McMahon:

Verizon's¹ practice is to notify customers of their CPNI rights and give them an opportunity to restrict the use of their CPNI ("opt-out") before Verizon uses their CPNI to market services outside of their existing service relationship. In such notices, Verizon directs customers to call a specific toll-free number to opt-out. Since January 2, 2004, Verizon has had a contract with a vendor to answer those customer calls and compile lists of customers who take the requisite steps to opt-out. The vendor then provides that information to Verizon on a weekly basis. Each week, Verizon accesses the new data and stores it in its comprehensive database of opt-out customers, which Verizon checks before launching marketing campaigns that use CPNI.

On January 16, 2009, Verizon discovered that the total number of opt-out customers compiled by the vendor was greater than the number of records in Verizon's database by approximately 3,400. This discrepancy – which consists of less than 2% of all customers who have opted-out using the toll free number over the last five years – appears to have been caused by the absence of customer opt-out records in Verizon's database from three weeks in 2004 (i.e., July 6, July 13, and November 18) and four weeks in 2008 (i.e., April 22 – May 13). While Verizon's investigation of the events in 2004 and 2008 is ongoing, a one-time systems and process conversion in April/May

¹ For purposes of this letter, the Verizon telephone companies are the local exchange carriers and the interexchange carriers Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance and Verizon Select Services Inc. affiliated with Verizon Communications Inc.

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2008 resulted in data files submitted by the vendor during that period not being successfully entered into our marketing database.

Although Verizon is presently unsure whether any of these customers received CPNI-based marketing, Verizon has received *no* complaints from these customers relating to CPNI. In any event, Verizon has added the approximately 3,400 customers to its database as of January 19, 2009 so that their CPNI will not be used in future marketing efforts.

Verizon will make all required notifications to the relevant state commissions. No state commissions have taken any action regarding this issue. For your convenience, attached is a copy of the opt-out notice that was sent to Verizon customers.

While it is not clear that Section 64.2009(f) applies to the facts described above pertaining to Verizon's opt-out processes, Verizon, out of an abundance of caution, provides this notification.

Should you have any questions regarding the foregoing, please contact Donna Epps at 202-515-2527.

Sincerely,

A handwritten signature in black ink that reads "Donna Epps". The signature is written in a cursive, flowing style.