ASTAC Wireless use of Customer Proprietary Network Information for Marketing

ASTAC Wireless respects your privacy and observes the privacy rules established by the Federal Communications Commission (FCC) and the [State] Public Utility Commission. Under federal law, you have the right to confidentiality of information regarding the telecommunication services to which you subscribe and ASTAC Wireless 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 services purchased. This information is referred to as Customer Proprietary Network Information (CPNI).

ASTAC Wireless will never sell your account information or provide details of your telephone calls to other parties, unless required by law enforcement.

ASTAC Wireless is authorized by the FCC to market, without approval, services to our subscribers within the categories of service that are provided to those customers. Specifically, those services are local, long distance, and wireless. ASTAC Wireless provides local service, our affiliate [Affiliate I] provides long distance service, and our affiliate [Affiliate II] provides wireless service. From time to time we may market additional features within the service(s) already subscribed to from us or our affiliates.

From time to time we may notify you of additional products and services from outside the existing business relationship we have with you. ASTAC Wireless is permitted to market to our customers service offerings that do not rely upon Customer Proprietary Network Information (CPNI) (i.e. mass mailings). However, when this marketing is based on CPNI, you have the right to be excluded from these marketing campaigns.

If you choose to accept CPNI based marketing information, you need do nothing. However, if you prefer to be excluded from these marketing efforts, please complete, sign, and return the attached form. We will exclude you from any targeted marketing.
OR
If you choose to accept CPNI based marketing information, please complete, sign, and return the attached form. However, if you prefer to be excluded from these marketing efforts, you need do nothing. We will exclude you from any targeted marketing.

Your service from ASTAC Wireless will not be affected by this decision.

If you have any questions, please don't hesitate to call our office at (907) 563 - 3989 or stop in and we will be happy to discuss any concerns you might have.

Chief Service Officer

ASTAC Wireless
Record of Customer Complaints Concerning the Unauthorized Release of CPNI

Month	Year

Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		
Name	Number	Address
Nature of Complaint		

Retain for 5 years

Notification of Failure of Opt-out Mechanism

[Date]

Federal Communications Commission
Enforcement Bureau
Telecommunications Consumers Division
445 12th Street SW
Washington, DC 20554

re: Failure of Opt-out Mechanism

ASTAC Wireless experienced a failure of its opt-out mechanism for # customer(s). This failure was discovered on [date].

ASTAC Wireless offers its customers the opportunity to opt-out of targeted marketing through an annual mailing. The affected customers _____
_____
_____.

ASTAC Wireless proposes to remedy the situation by
_____
_____
_____.

The Regulatory Commission of Alaska is receiving a copy of this correspondence. To date the RCA has not taken any action on this matter.

Attached is a copy of the notice provided to the affected customers.

For further information regarding this failure of ASTAC Wireless' opt-out mechanism, please contact me at (907) 563 - 3989.

Sincerely,

Chief Service Officer

attachment
copy: Regulatory Commission of Alaska

[Date]

Customer Name
Customer Address
City, ST Zip CD

Dear Customer;

ASTAC Wireless regrets that there was a failure in the application of our marketing opt-out mechanism(s). As a result, your CPNI was _____
_____
_____.

ASTAC Wireless respects the privacy of our customers and our employees do everything possible to protect information that may be found in your account records. We apologize for this failure and have taken steps to assure that it does not recur.

Please accept our sincere apologies. It is our goal to have no additional issues with marketing opt-out decisions made by our customers.

Chief Service Officer

CPNI

Frequently asked Questions

1. **What is CPNI?**

   CPNI stands for customer proprietary network information that is collected and held by wireline or wireless telecommunications carriers. In practical terms, CPNI includes highly sensitive personal information such as the phone numbers called by a consumer, the frequency, duration and timing of such calls, and any services purchased by the consumer, such as call waiting. CPNI does not include subscriber list information.

2. **What are the concerns about call privacy?**
   Numerous companies, known as "data brokers" operate websites where call detail records and other confidential customer information are offered to anyone willing to pay a fee. These companies claim they can access call detail records or wireless location information, and trace cellular or landline phone calls. These companies do not disclose how they obtain information.

   Most of the information is obtained through "pretexting" or "social engineering" using fraudulently methods to obtain CPNI. This is where someone uses personal information from sources other than the telecommunication company to impersonate an authorized customer and gain access to the customer's account without permission from the telecommunication company or the customer.

3. **What is the customer's rights concerning CPNI?**
   It is the customer's right under Federal Law to restrict the use of their CPNI. This includes the type of services purchased, how they are used, and any billing information regarding these services.

4. **Does the telecommunications company always need approval to use a customer's information?**

   Not always. You may use a customer's information, without approval, to market enhancements to services the customer already uses. For example, if your customer purchases basic local telephone service you do not need their approval to use the customer information to market voice mail or caller ID services to them. On the other hand, if the customer subscribes to local and long distance, you would need the customer's approval to use their CPNI to sell them wireless service.

*However, if the customer asks you to put her residential telephone number on your company-*specific do-not-call list, you must do so, and they you cannot even make the calls to enhance *existing services.*

5. **What duties does the telecommunications company have with CPNI?**

Generally, every telecommunications carrier has a duty to protect the confidentiality of proprietary information of their customers.

Specifically, all carriers must obtain a customer's knowing consent before using or disclosing CPNI. If a carrier plans to disclose CPNI to third parties or affiliates that do not provide communications-related services, they must obtain affirmative, opt-in consent first.

Section 64.2009 of the FCC's rules has established six "safeguards" for the use of CPNI that apply to all telecommunications companies:

1. *Recordkeeping.*
   You must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. For example, your software may indicate within the first few lines of the first screen whether or not the customer has given you approval to use his CPNI.

2. *Training and Discipline.*
   You must train your employees as to what CPNI is and when they are and are not authorized to use CPNI. You need to implement a specific disciplinary process to address what happens when an employees fails to follow CPNI rules and procedures.

3. *Market Campaigns.*
   You must maintain a record of your own and any affiliates' sales and marketing campaigns that use your customers' CPNI. All carriers must maintain a record of all instances where it disclosed CPNI or provided CPNI to third parties, or where third parties were allowed access to CPNI. These records must contain a description of each marketing campaign, the specific CPNI that was used in the campaign and what products and services were offered as part of the campaign. Telecommunication companies must retain these records for a minimum of one (1) year.

4. *Supervisory Review Process.*
   You must require management approval of marketing campaigns that use CPNI and establish a supervisory review process regarding compliance with rules for those marketing campaigns and maintain records of such compliance for a minimum of one (1) year.

5. Compliance Certificates.

This is a two-part requirement. On an annual basis, each telecommunications company must:

a. *Have an officer sign a compliance certificate stating that the officer has personal knowledge that your company has established operating procedures that are adequate to ensure compliance with the rules.*
b. *Provide a statement accompanying the certificate explaining how your operating procedures ensure that you are in compliance with the rules.*

You must make the annual compliance certificate and the accompanying statement available for public inspection.

6. *Notice to FCC When Opt-Out Mechanisms Don't Work Properly.*
If you discover or determine that your opt-out mechanisms do not work properly, to "such a degree that a consumer's inability to opt-out is more than an anomaly" you must notify the FCC by written letter within five business days. The letter needs to include your Telecommunication Company name, a description of your opt-out mechanism, the problem(s() experienced, the remedy proposed, and when it will be or was implemented, whether you have notified the FBI and USSS and whether it has taken any action, a copy of the notice you sent to your customers, and your contact information.

6. **What needs to be contained in the "compliance certificate" and the "accompanying statement" required by FCC rule 64.2009(e)?**
The compliance certificate must be signed by an officer, as an agent of the telecommunications company on an annual basis. The compliance certificate must state that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the CPNI rules.

In addition to the brief compliance statement, each company must also prepare a "statement accompanying the certificate" explaining how your operating procedures ensure that you are in compliance with the rules. This statement explains to the FCC how your company complies with the CPNI rules. Information you should maintain in connection with your accompanying statement might include:

- *The type and frequency of employee training on CPNI including any records that were kept about the training, and whether the training was formal or verbal)*

- *The types or instructional or written materials given to employees.*
- A description of the supervisory process that comes to bear and the consequences that *exist if an employee uses CPNI against company policy.*
- *Any personnel manual provisions that address confidentiality of customer information.*
- *How you instruct new employees about the need to keep CPNI confidential.*

7. **What about the letters the FCC Enforcement Bureau recently sent to numerous telco nationwide seeking Compliance Certificated for the past five years?**
Some telecommunication companies have received a letter or fax from the FCC Enforcement Bureau stating: "The FCC has initiated an inquiry to determine whether your company has failed to prepare and maintain an adequate CPNI compliance certificate." The letter requests that you provide your compliance certificates and accompanying statements for the past five (5) years.

The FCC letter also requests the telecommunication company provide a supporting affidavit or declaration under penalty of perjury, signed and dated by an officer of the company, with personal knowledge of the representations provided in your response verifying the truth and accuracy of the information.

Some telcos may not have completed a Compliance Certificate or an Accompanying Statement for some prior years. Harsh fines can result from any attempts to "backdate" compliance certificates.

Any telecommunications company who receives this type of a letter from the FCC should seek help. Please call GVNW and request a copy of your prior filings and seek legal counsel for advice on how to proceed.

8. **What types of marketing can a carrier conduct without using a customer's CPNI?**
General marketing or promotions sent to your entire customer base are not considered to use CPNI. Whenever you send a marketing piece to all of your customers, you have not used CPNI. You make market enhancements to services the customer already uses.

In addition, the FCC rules allow you to conduct a marketing campaign using the following types of generally available information without giving rise to the CPNI rules:

- *General customer information including the customer's name, address and phone number.*
- *Aggregate information where the individual customer identities and characteristics have been removed or are not identifiable.*
- *Information available from directories.*
- *Publicly available information (for example, targeting customers by zip codes or neighborhoods)*

It is only when you use targeted marketing, or customer-specific marketing, that the CPNI rules apply. For example, if you send a special marketing campaign letter only to those customers that use your broadband, then most likely, you used CPNI to determine which customers were on that list.

9. **If a telecommunications company plans to use CPNI, what do we need to do?**
   Before you make any solicitation for customer approval to use CPNI, a telecommunication company must first provide a notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. The FCC says the notice should have "enough information to enable the customer to make an informed decision as to whether to permit a telecommunication company to use, disclose, or permit access to the customer's CPNI."

   To meet this standard, the FCC requires several important features to be included in this notice. Some of these are:

   - *State that the customer has a right and the telecommunication company has a duty under federal law to protect the confidentiality of CPNI.*
   - *Explain what CPNI is, identify the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customers of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.*
   - *Clearly identify the steps a customer must take to grant or deny access to CPNI, and clearly state that a denial will not affect the provision of any services to which the customer subscribes.*
   - *State that any approval or denial of approval for the use of CPNI is valid until the customer affirmatively revokes or limits such approval or denial.*
   - *The notice must be easily understood, not misleading, clearly legible.*

   You must give this notice in close timeframe to any solicitation for customer approval. (One way to accomplish this is to send the notice along with the solicitation for approval). You must maintain records of notification (whether oral, written or electronic) for at least one year"

   1. *"Opt-Out" – You may send your customers a notice saying you will consider the customer to have given approval to use his customer information for marketing unless he tells you not to do so. You must wait at least 30 days after giving the notice before you may assume the customer has given approval to use, disclose or permit access to CPNI. If you provide the notifications by mail, the 30-day clock begins three days following mailing date.*

Telecommunication companies using the opt-out provision must provide notices to their customers every two years.

2. *"Opt-In" – Telecommunication companies may send customers a notice asking for express permission to the customer information for marketing. You must keep the response on file for at least one (1) year.*
3. *"One-Time Use" of CPNI – Telecommunication companies may use oral notice to obtain a limited, one-time use of CPNI for in-bound or out-bound customer telephone contacts for the duration of that call. That notice must include all the disclosures listed in the first part of this answer, except that you need not remind the customers the following:*
    a. *The fact that if the customer has opted out previously, then no action is needed to maintain the opt-out election;*
    b. *If you do not plan to share or disclose the limited information which you are gathering to your affiliates or to third parties, then you need not tell the customer that you might do so.*
    c. *You need not disclose the means by which a customer can deny or withdraw future access to CPNI so long as you explain that the scope of this request is limited to one-time use.*
    d. *So long as you clearly communicate that the customer can deny access to his or her CPNI during this call, you need not disclose the precise steps the customer must take in order to grant or deny access to CPNI.*

10. **Can a telecommunications company use e-mail for the Opt-In or Opt-Out Notices?**
    Telecommunication companies must obtain express, verifiable prior approval from customers to send notices via email regarding CPNI. If you do so, you must allow customers to respond via email.

11. **If a customer gives consent to use their CPNI, what can the telecommunication company, do with that information?**
    With consent a telecommunication company is able to share CPNI with affiliates, agents and parent companies. Sharing the information enables the telecommunication company to collaborate on how to better serve the customer's telecommunications needs.

12. **Can the customer change their mind about giving consent?**
    A customer has the right at any time to withdraw previously given permission to share CPNI by notifying the telecommunication company.

13. **Will the customer be affected in any way if they decide not to provide consent?**

The customer decision to disallow the sharing of CPNI will not affect the services that they receive from the telecommunication company.

14. **Can a telecommunications company use website notification?**
    NO. Although your notices can be oral, written or electronic, it must be directed to each specific customer.

15. **What if a customer has more than one phone number – Does a Telecommunications company send one letter to each working number, or one to each distinct customer?**
    You are required to notify each "customer or entity." If a customer or a business has multiple lines, just one notice is enough.

16. **If the telecommunications company obtains a customer's consent to use CPNI, can the company disclose the information to others?**
    If you obtain a customer's "Opt-out" or "Opt-in" approval, you may then disclose that customer information, for the purposed of marketing communications-related services, to your agents, affiliates, joint venture partners and independent contractors that provide communications-related services. You must also enter into agreements with those third parties to make sure they keep the customer information confidential. Any other release of CPNI must have specific "opt-in" approval.

17. **What if the customer requests to see their own CPNI or requests our company to supply that information to a third party?**
    If the customer makes an affirmative written request to disclose that information to a third party, the carrier must honor that request. 47 USC 222(s) (2)

18. **What can customers do to protect themselves?**
    Establishing and using passwords is an action that customers can take to protect themselves.

19. **When do the CPNI rules become effective?**
    A firm effective date has yet to be established for the FCC's new CPNI rules, companies should be ready for an effective date as early as December 8, 2007. The new rules will become effective on December 8, 2007, or on approval by the Office of Management and Budget (OMB), whichever is later.

20. **Where do I go for more information?**
http://www.fcc.gov/eb/CPNI/ or http://www.fcc.gov/cbg/consumerfacts/phoneaboutyou.html

Or call or e-mail me at: Dorrene Benthin 503-612-4416 dbenthin@gvnw.com

Consumer Advisory

What Information Does Your Telephone Company Collect?

Your local, long distance and wireless telephone companies collect information such as the numbers you call and when you call them, as well as the particular services you use, such as call forwarding or voice mail. Telephone companies collect this customer information, sometimes called Customer Proprietary Network Information (CPNI), so they can provide the services you have requested and send you bills for them.

Both Congress and the FCC impose requirements on telephone companies about how they can use this information and what they must do to protect it from disclosure. Despite these rules, using a practice known as "pretexting," or posing as someone such as the actual customer or a law enforcement official, unscrupulous individuals have been able to obtain telephone calling records, and, in some cases, offer them for sale on the Internet. To help control this practice, Congress recently passed a law making it a crime punishable by fine or imprisonment of up to 10 years to obtain calling records from a telephone company, including Voice over Internet Protocol (VoIP) service providers, by: making false or fraudulent statements, providing fraudulent documents, or accessing customer records without prior authorization through the Internet or fraudulent computer-related activities. The law also prohibits the unauthorized sale or transfer of confidential phone records or the purchase or receipt of such information with knowledge that it was obtained fraudulently or without authorization.

What Can Your Telephone Company Do With This Information?

Both a law passed by Congress and Federal Communications Commission rules impose a general duty on telephone companies to protect the confidentiality of your customer information. Telephone companies may use, disclose, or permit access to your customer information in these circumstances: (1) as required by law; (2) with your approval; and (3) in providing the service from which the customer information is derived.

Your telephone company must disclose your customer information to any person you designate if you make a request in writing. Your telephone company may use your customer information, without your approval, to market enhancements to services you already use. For example, if you purchase basic local telephone service from a telephone company, it does not need your approval to use your customer information to try to sell you voice mail or caller ID services. However, if you ask your telephone company to put your residential telephone number on its company-specific do-

or unlawful disclosure of customer information, and, if it finds a violation, can issue citations and propose fines. The FCC recently proposed $100,000 fines on telephone companies with inadequate certifications regarding compliance with FCC rules protecting customer information from disclosure.

The FCC also works closely with the Federal Trade Commission (FTC) to prevent the unlawful sale or distribution of customer information by data brokers or Web sites. Telephone companies also have sued data brokers to prevent the unlawful sale or distribution of customer information.

You are an important part of the FCC's efforts to keep telephone companies from unlawfully disclosing your customer information. If you suspect that your customer information may have been disclosed without your permission, first contact your telephone company to inform it of your concern. If you don't think your customer information is being protected adequately, file an informal complaint to help the FCC determine if there is a problem. You can file a complaint with the FCC by e-mail (fccinfo@fcc.gov), the Internet (http://www.fcc.gov/cgb/complaints.html), telephone 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY, fax (1-866-418-0232), or mail.

If mailing a complaint, send it to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.

How Can I Help Prevent Unauthorized Disclosure of My Information?

- If you think your customer information has been disclosed without your permission, contact your telephone company right away. Also, file a complaint with the FCC.
- Ask your telephone company to provide information about what it does to protect the confidentiality of your customer information.
- Read your telephone bill and any other notices you receive from your telephone company carefully. Determine if your telephone company is seeking opt-in or opt-out permission to use or share your customer information for marketing.
- Make your choice about sharing your customer information clear to your telephone company. The choice you make about how your customer information is used and shared is valid until you inform your telephone company that your choice has changed.
- If you use a password when contacting your telephone company to obtain your customer information, avoid using any sensitive or readily apparent information, such as your social security number.

Remember: Customer information rules apply to all telephone companies: local, long distance, and

wireless. Make your customer information choices known to each company.

For more information on telephone company issues, visit www.fcc.gov/cgb; ; send an e-mail to fccinfo@fcc.gov; or call us at 1-888-CALL-FCC (1-888-225-5322) (voice) and 1-888-TELL-FCC (1-888-835-5322) (TTY).

For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on http://www.fcc.gov/cgb/contacts/.

This document is for consumer education purposes only and is not intended to affect any proceeding or cases involving this subject matter or related issues.

01/18/07

Federal Communications Commission · Consumer & Governmental Affairs Bureau · 445 12th St. S.W. · Washington, DC 20554

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