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February 27, 2009

**VIA ECFS**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Suite TW-A235  
Washington, DC 20554

**Re: *Annual CPNI Certification, EB Docket No. 06-36***

Dear Ms. Dortch:

Pursuant to Section 64.2009(e) of the Commission's rules, 47 C.F.R. § 64.2009(e), Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) hereby files its annual certification of compliance with the Commission's customer proprietary network information (CPNI) rules. Attached to the certification is a list of companies covered by Verizon Wireless' certification.

Please contact the undersigned at (202) 589-3770 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara L. Preiss".

Tamara L. Preiss

cc: Best Copy and Printing, Inc. (via e-mail)

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification

Date filed: February 27, 2009

Name of company covered by this certification: Cellco Partnership d/b/a Verizon Wireless (see attachment)

Form 499 Filer ID: 822750

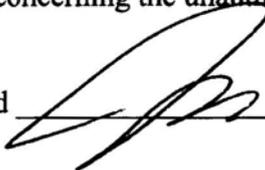
Name of signatory: Jeffrey Dietel

Title of signatory: Staff Vice President -- Marketing

I, Jeffrey Dietel, certify that I am an officer of the company named above, and acting as an agent of the company, 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 is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules, including an explanation of actions taken against data brokers and a summary of customer complaints received in 2008 concerning the unauthorized release of CPNI.

Signed



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**Companies Covered by Annual CPNI Certification of  
Cellco Partnership d/b/a Verizon Wireless**

Cellco Partnership d/b/a/ Verizon Wireless (822750)  
Iowa RSA 7 Limited Partnership (804882)  
Iowa 8 – Monona Limited Partnership (805215)  
Iowa RSA 10 General Partnership (804873)  
Badlands Cellular of North Dakota Limited Partnership (805242)  
St. Lawrence Seaway Cellular Partnership (820289)  
New York RSA 2 Cellular Partnership (820293)  
Wyoming 1 – Park Limited Partnership (805260)  
San Isabel Cellular of Colorado Limited Partnership (805206)  
Colorado 7 – Saguache Limited Partnership (805200)  
WUE, Inc. (820460)

## Verizon Wireless Statement of Compliance

### **Rule § 64.2005 Use of Customer Proprietary Network Information Without Customer Approval**

Verizon Wireless is a provider of commercial mobile radio services (“CMRS”). It does not use, disclose, or permit access to CPNI, other than pursuant to the “total service approach” authorized by section 64.2005(a) and as otherwise authorized by sections 64.2005(b), (c), and (d), unless it has customer approval to do so pursuant to the procedures described below with respect to section 64.2007. It does not use, disclose, or permit access to CPNI to identify or track customers that call competing service providers.

### **Rule § 64.2007 Approval Required for Use of Customer Proprietary Network Information**

Verizon Wireless seeks opt-in approval from certain business customers for the purpose of marketing the services and products of its affiliates. Pursuant to section 64.2007(a)(2), when Verizon Wireless obtains approval from business customers or a business customer indicates disapproval, this approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval. Pursuant to section 64.2007(a)(3), Verizon Wireless maintains a record of its business customers’ approval for at least one year.

Verizon Wireless also seeks opt-out approval from some of its business and all consumer customers for the purpose of marketing the communications-related services of its affiliates. Pursuant to section 64.2007(a)(2), when Verizon Wireless obtains approval from customers, this approval remains in effect for two years, unless the customer revokes or limits such approval before then. After two years, Verizon Wireless provides those customers from whom it obtained approval another CPNI notice and opportunity to opt out, pursuant to section 64.2007(d)(3). When a customer indicates disapproval, that disapproval remains in effect indefinitely. Pursuant to section 64.2007(a)(3), Verizon Wireless maintains a record of its customers’ approval for at least one year. Verizon Wireless does not seek opt-in or opt-out consent from its customers for any other purpose pursuant to section 64.2007.

### **Rule § 64.2008 Notice Required for Use of Customer Proprietary Network Information**

**Opt-in Approval.** Verizon Wireless seeks opt-in approval from certain business customers for the purpose of marketing the services and products of its affiliates. The contents of the notice it provides to these customers comply with the general requirements for notices and the specific requirements for opt-in notices set forth in section 64.2008. Verizon Wireless notifies these business customers of their right to

restrict use, disclosure, and access to their CPNI. It maintains records of notification for at least one year. Individual notices to business customers are provided when soliciting approval to use, disclose, or permit access to customers' CPNI. The notice provides information to enable the business customer to make an informed decision as to whether to permit Verizon Wireless to use, disclose, or permit access to the customer's CPNI.

Specifically, the notice states that CPNI is certain information relating to the quantity, technical configuration, type, destination, location, and amount of use of telecommunications services purchased and related local and toll billing information that is made available to Verizon Wireless solely by virtue of the customer's relationship with Verizon Wireless. The notice states that the customer has a right, and Verizon Wireless has a duty, under federal and state law, to protect the confidentiality of CPNI. The notice seeks consent to share the customer's information among (a) the Verizon family of companies, which includes Verizon Business, Verizon Wireless, and the Verizon affiliate companies, including Verizon Communications Inc., Cellco Partnership d/b/a Verizon Wireless, MCI Communication Services, Inc. d/b/a Verizon Business Services, and their affiliates; and (b) the Vodafone companies, which include Vodafone Group PLC, Vodafone Group Service Limited, and their affiliates and partner networks. The notice states that with permission CPNI will be used, disclosed, and/or accessed among the Verizon family of companies and the Vodafone companies, their agents, contractors, and partners to better serve the customer and for the purpose of offering the customer any and all products and services available from the Verizon family of companies and the Vodafone companies. The notice states that the customer has the right to disapprove of these uses, and the customer may withdraw consent at any time.

The notice advises customers that they can grant approval by signing the consent. In addition, the notice gives customers the option to check a box if they have the authority to consent, and do consent, on behalf of current and future affiliates. The notice states that the denial or withdrawal of consent will not affect provisioning of services to which the customer subscribes. The notice is type written in 10-point font, and it is provided to the customer either as a separate document or in a separate, conspicuously labeled section of the customer service agreement. No portion of the notice is translated into another language.

**Opt-Out Approval.** Verizon Wireless also seeks opt-out approval from some of its business and all consumer customers for the purpose of marketing the communications-related services of its affiliates. The contents of the notices it provides to these customers comply with the general requirements for notices and the specific requirements for opt-out notices set forth in section 64.2008. Verizon Wireless notifies these customers of their right to restrict use, disclosure, and access to their CPNI. It maintains records of notification for at least one year. The individual customer notices are provided at the same time that Verizon Wireless solicits approval to use, disclose, or permit access to customers' CPNI. The notices provide information to enable the customer to make an informed decision as to whether to permit Verizon Wireless to use, disclose, or permit access to the customer's CPNI.

Specifically, the notices state that CPNI is certain information relating to the quantity, technical configuration, type, destination, location, and amount of use of telecommunications services purchased and related billing information that is made available to Verizon Wireless solely by virtue of the customer's relationship with Verizon Wireless. The notices state that the customer has a right, and Verizon Wireless has a duty, under federal and state law, to protect the confidentiality of CPNI. The notices seek consent to share the customer's information among the Verizon family of companies and Vodafone. In particular, the notices state that with permission CPNI will be used, disclosed, and/or accessed among Verizon Wireless' affiliates, agents and parent companies, including Vodafone, and their subsidiaries to better serve the customer's communications needs and to offer and provide products and services to meet the customer's requirements. The notices state that the customer has the right to disapprove of these uses, and the customer may withdraw consent at any time. The notices state that the denial or withdrawal of consent will not affect provisioning of services to which the customer subscribes. The notices are type written in 8-point font.

The consumer opt-out notice advises customers that they can opt out by dialing the toll free number provided in the notice. That number is available 24 hours a day, seven days a week. Consumers are also informed that they may opt out through the "My Verizon" on-line platform or by calling Customer Care during its regular hours. The consumer notice is provided to the customer in a document together with the Verizon Wireless Customer Agreement Terms and Conditions. The entire notice is translated into Spanish for those customers for whom Verizon Wireless provides a Spanish bill. Verizon Wireless waits a minimum of 33 days after mailing customers notice and providing an opportunity to opt out before assuming consumer customer approval.

The opt-out notice sent to business customers advises that they can opt out by dialing the toll free number provided in the notice, which is available 24 hours a day, seven days a week during the 45-day opt-out period. After 45 days, business customers can withdraw consent by facsimile or e-mail, both of which are available 24 hours a day, seven days a week. No portion of the business notice is translated into another language.

#### **Rule § 64.2009 Safeguards Required for Use of Customer Proprietary Network Information**

Verizon Wireless has implemented a system and instituted training such that the status of the customer's CPNI approval is clearly established prior to the use or disclosure of CPNI. Verizon Wireless maintains documentation on its intranet site, available to all employees, regarding procedures for safeguarding CPNI.

Training: Consistent with the requirements of section 64.2009(b), Verizon Wireless has an extensive training program that fully informs all employees, including sales and marketing personnel, about the CPNI rules and that failure to comply with the CPNI rules can be the grounds for disciplinary action, up to and including dismissal. Verizon Wireless has a comprehensive "Code of Conduct" that specifically addresses the importance of compliance with CPNI requirements, trains new employees at time of hire

on the Code, and offers generalized and specialized training on the Code every year. The Code defines CPNI and specifically prohibits its disclosure without complying with the company's policies for disclosing such information. New hires are provided a link (URL) to access the Code in their offer letter.

Verizon Wireless' Office of Integrity and Compliance ("OIC") has primary responsibility for drafting, disseminating, and training on the Code. It also maintains a confidential 800 number for employees to report possible violations of the Code, including violations related to customer privacy. Employees are advised of the 800 number via the Code, postings in the workplace, periodic e-mails, and an OIC brochure. The group brochure specifically instructs employees to report "misuse of confidential or proprietary information" and violations of law or regulations relating to "consumer protection."

Training on maintaining security of CPNI includes the following:

- Initial Code of Conduct training for all employees.
- Annual Code of Conduct training for all employees.
- Training all employees on Keys for Safeguarding Privacy and Confidential Information
- E-mail alerts to all employees.
- Postings on the Verizon Wireless internal intranet site, "VZ Web."
- Quarterly distribution to all employees of "Integrity Times," a newsletter addressing ethics/compliance issues and advising employees on how to do their jobs in an ethical manner consistent with our Code of Conduct and the law.
- Methods and procedures on the use of CPNI.

Verizon Wireless' Workforce Development and Training Group is responsible for new hire and all developmental training for Verizon Wireless employees. Verizon Wireless requires employees to take numerous specific courses that address the need to protect the privacy of customer information, and instructs employees, through written materials and courses, on procedures for doing so. Verizon Wireless trains newly hired employees of the company on Privacy of Records within their first day or first access to a company computer.

To ensure that Verizon Wireless agents who have access to confidential information receive ongoing training, the OIC developed an online program called "Protecting Confidential Customer Information." The goal of this training course is to help agents protect sensitive information about Verizon Wireless and its customers. Verizon Wireless requires all of its indirect agents and customer service outsource vendors to complete this training.

Verizon Wireless has also trained its employees responsible for seeking, tracking, and maintaining records of consent from business customers. The company provides periodic online and/or face-to-face training to sales and sales support personnel, including sales operations, marketing, legal, finance, and database managers, concerning what CPNI is,

how it may be used, how it must be protected, when it may be shared and with whom and for what purposes, and how the company maintains records of CPNI consents and disclosures, as well as updates on new FCC rules and new tools for managing the CPNI compliance process.

Records of Marketing Campaigns: Pursuant to section 64.2009(c), Verizon Wireless tracks its consumer marketing and sales campaigns that use CPNI, and records of these campaigns are retained for at least one year. A description of each campaign, the CPNI that was used in the campaign, the date and purpose of the campaign, and what products or services were offered as part of the campaign resides in Verizon Wireless' secure CPNI databases. In all instances where opt-out consent is sufficient for use of CPNI in marketing or sales campaigns, requests for customer information are processed by Verizon Wireless' Data Warehouse team, which maintains records of customers' CPNI opt-out status. The Data Warehouse team excludes from marketing and sales activity all customers who have opted out of sharing CPNI. As stated previously, Verizon Wireless has sought opt-in consent only from certain business customers. Thus, in instances where opt-in consent is required, the Verizon Wireless enterprise customer sales team is required to send a request to a database manager, prior to the use of CPNI, to check the Enterprise Customer Profile Database to determine whether the customer has provided consent.

Supervisory Review Process: Pursuant to section 64.2009(d), Verizon Wireless has established a supervisory review process for all outbound marketing programs before they are implemented to ensure compliance with the CPNI rules, and records of compliance are maintained for at least one year. Verizon Wireless has strictly limited the number of employees who have access to customer information that is used to generate outbound marketing through password protections, and customer information was transferred by secured site and never by e-mail. Call detail records have not been available in the process used to generate outbound marketing campaigns. After the campaigns were uploaded, Verizon Wireless employees have used different databases to access the information depending on whether they were in marketing or in retail stores. Sales personnel have not had authority to initiate marketing programs independently from this process.

Certification: Pursuant to section 64.2009(e), this statement of compliance is preceded by a certificate signed by an officer of Verizon Wireless. An explanation of actions taken against data brokers and a summary of customer complaints concerning the unauthorized release of CPNI is attached below.

Notification of Opt Out Failure: Verizon Wireless has in place a process to provide written notice to the Commission within five business days in the event of a failure of any of its opt-out mechanisms that is more than an anomaly. The written notice meets the requirements of section 24.2009(f). Early in 2008, Verizon Wireless experienced a temporary problem with its interactive voice response ("IVR") system such that customers were unable to use that particular method of exercising their opt-out rights. Verizon Wireless detected and corrected the problem in a one-week period, and, pursuant

to section 24.2009(f), it notified the Commission by letter dated February 15, 2008. Verizon Wireless was able to identify the customers who had attempted to opt out but were unable to do so, and it updated the database systems that store customers' opt-out status to show that all of the affected customers had opted out. Verizon Wireless also modified its IVR system so that, in the event of any inability to process an opt-out request, the IVR system will direct customers to dial \*611 or a toll-free number to contact a Verizon Wireless customer service representatives who can complete the opt-out procedure.

#### **Rule § 64.2010 Safeguards on the Disclosure of Customer Proprietary Network Information**

Verizon Wireless has taken reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. Verizon Wireless requires appropriate authentication prior to releasing non-call detail CPNI to a customer. Verizon Wireless does not disclose call detail information over the telephone, based on customer-initiated contact, or provide online access to any CPNI unless the customer first provides a password that is established in accordance with section 64.2010(e). Verizon Wireless discloses CPNI at its retail locations only to customers who present valid photo IDs that match the customer's account information. Verizon Wireless notifies its customers through either a text message, e-mail, letter to address of record, or voice call to the telephone number of record whenever a password, customer response to a back-up means of authentication, online account, or address of record is created or changed, except when service is initiated. The notification does not reveal the changed information and is not sent to the new account information.

#### **Rule § 64.2011 Notification of Customer Proprietary Network Information Security Breaches**

In the event a breach reportable under section 64.2011 occurs, Verizon Wireless has established the following notification procedures: No later than seven business days after determination of a CPNI breach, as defined in section 64.2011(e), Verizon Wireless notifies law enforcement through the reporting facility maintained at <http://www.fcc.gov/eb/cpni>. Verizon Wireless does not notify its customers of or publicly disclose the breach until seven full business days have passed after notification of law enforcement, unless Verizon Wireless believes there is an extraordinarily urgent need to notify any class of affected customers before that time. In that case, Verizon Wireless notifies and consults with the relevant investigating agency prior to notifying affected customers, in accordance with section 64.2011(b)(2). If the relevant investigating agency directs Verizon Wireless not to disclose the breach beyond the seven-business day period, in accordance with section 64.2011(b)(3), Verizon Wireless will not disclose the breach until the agency provides notice that disclosure will no longer impede or compromise a criminal investigation or national security. In 2008, there were no breaches about which Verizon Wireless believed there was an extraordinarily urgent need to notify affected customers.

After completing the process of notifying law enforcement in accordance with section 64.2011(b), Verizon Wireless notifies its customers of the breach of those customers' CPNI. Verizon Wireless maintains records of breaches, notification to law enforcement, and customer notification for at least two years. Those records include, when available, dates of discovery and notification, descriptions of the CPNI that was breached, and the circumstances of the breach.

## **Actions Against Data Brokers and Customer CPNI Complaints**

**Actions Against Data Brokers:** In 2008, Verizon Wireless took the following actions, as defined by the Commission, against data brokers.

In December 2006, Verizon and Verizon Wireless together filed suit against several corporate defendants and certain of their officers to stop them from unlawfully accessing confidential customer information via online accounts. The lawsuit, Cellco Partnership d/b/a Verizon Wireless, et al., v. Worldwide Investigations Inc., et al., Civ. Action No. 06-CV-05792 (D.N.J.), alleged that defendants used customer telephone numbers and confidential customer information required for authentication and account access in order to establish unauthorized online accounts and/or to access existing accounts. During 2007, the suit was amended to add other defendants. All defendants agreed to consent injunctions banning unlawful pretexting behavior and to settle with Verizon and Verizon Wireless. During 2008, Verizon and Verizon Wireless agreed to designate the action as closed but requested that the court retain jurisdiction to enforce compliance with the consent injunctions and the terms of the settlement agreements. Settlement proceeds from the lawsuit were donated to charities designated by Verizon and Verizon Wireless.

In September 2006, Verizon Wireless filed suit against the entities or individuals (whose names were then unknown to Verizon Wireless) that engaged in unlawful pretexting of Verizon Wireless customers in connection with an investigation conducted by the Hewlett-Packard Company into leaks from its Board of Directors. In February 2007, Verizon Wireless amended the lawsuit to name two corporate and three individual defendants. See Cellco Partnership d/b/a Verizon Wireless v. Security Outsourcing Solutions, Inc., Civ. Action No. 06-CV-4678 (D.N.J.). The suit alleged that these defendants used pretexting to obtain, or attempt to obtain, confidential information on Verizon Wireless customers by gaining unauthorized access to customers' accounts either online or over the phone. During 2008, all defendants agreed to consent injunctions banning unlawful pretexting behavior, and the lawsuit was administratively dismissed.

**Information about Processes Used by Pretexters to Access CPNI and Steps Verizon Wireless Is Taking to Protect CPNI:** Verizon Wireless did not learn anything new in 2008 about the processes used by pretexters to attempt to access CPNI. Verizon Wireless did, however, take the following steps to protect CPNI: (a) thoroughly investigated all instances of suspected pretexting and considered whether Verizon Wireless had enough evidence to commence a civil action or refer the incident to law enforcement; (b) gathered evidence and referred a pretexting case (involving attempts to obtain billing addresses, not CPNI) to the FBI; and (c) sent three pretexting alerts to all employees during 2008 warning them to be on guard against certain techniques Verizon Wireless had recently observed. Other steps taken by Verizon Wireless in response to the threat of pretexting are detailed elsewhere in this submission.

Summary of Customer Complaints in 2008 Concerning Unauthorized Release of CPNI:  
In 2008, Verizon Wireless received 37 substantiated complaints from its customers regarding unauthorized release of their CPNI. These complaints fell into the following categories (many complaints fell within two categories):

Complaints involving improper access by employees: 29

Complaints involving improper disclosure to unauthorized individuals: 30

Complaints involving improper online access by unauthorized individuals: 2