

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

In the Matter of)	
)	
Privacy Issues Raised By The Center For Democracy And Technology)	GN Docket Nos. 09-47, 09-51, 09-137
)	
NBP Public Notice # 29)	

**COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION
ON NBP PUBLIC NOTICE # 29**

Its Attorneys

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US Telecom is pleased to provide these comments in response to National Broadband Plan Public Notice #29 which seeks comments on privacy issues raised by the Center for Democracy and Technology. USTelecom's member companies have a long history of recognizing and understanding the importance of privacy and of protecting customer information as they develop, introduce and implement their products, services and processes. Moreover, USTelecom members are mindful that transparency and meaningful, informed consent are essential aspects of the protection of consumer privacy. To ensure that consumers can readily understand their privacy policies, many of our members have either recently revised, or are now in the process of revising their privacy policies to make them easier for consumers to access and understand. Among innovations are providing a one-stop privacy policy for all services and applications offered by a company; on-line videos providing user-friendly explanations of the company's privacy policies; and hot links that, with one click, allow consumers to drill down to more in-depth explanations of each aspect of the privacy policy.

Because the FCC is drafting a comprehensive set of recommendations to the Congress for the National Broadband Plan, its reach must necessarily be broad and inclusive. As such, an inquiry into consumer privacy is useful and appropriate. When consumers use the Internet to surf the web, conduct a search, participate in social media websites, do their banking, manage their health records, access government websites and records, and participate in the democratic processes online, these uses may have privacy implications but may not provide consumers with the same transparency regarding the operative privacy policies.

But consumers do not base their expectations of privacy on the source of information they are accessing or the technology platform by which they are accessing it. Rather, they see the Internet as one seamless ecosystem. The task then, is for the Commission to recommend, as

part of implementing the National Broadband Plan, what steps should be taken to ensure that unified privacy policy recommendations are provided to guide the activities of all participants in the Internet ecosystem including platform and service providers, search engines, application providers, content providers, social media, advertisers, and government agencies. This is an ambitious task and one that involves many complex legal, policy, and technical issues as well as consideration of the concerns of diverse private sector participants in that ecosystem.

USTelecom offers a general approach to addressing privacy issues. First, it is important to establish that the task is to develop comprehensive privacy policy guidelines applicable to all concerned that ensure consumers are provided with clear, accessible notifications and can make informed choices. Second, it is important to strike an appropriate balance between meeting consumer expectations regarding the privacy of their information and preserving existing Internet business models that may allow for free and reduced price access to applications, content, and services and continuing to encourage the development of more such new and innovative business models.

Fortunately, the task of developing comprehensive privacy policy guidelines is already underway at the Federal Trade Commission (FTC), an agency that has traditionally been the expert agency on privacy matters, and that possesses the broad jurisdictional authority to develop privacy standards across many sectors of the on-line economy and take action against unfair or deceptive privacy practices. The FTC is currently hosting a series of privacy roundtables around the country, bringing together academics, public interest experts, and diverse private sector participants in a comprehensive set of panels.¹ FTC Chairman Jon Leibowitz and Consumer

¹ See “Exploring Privacy: A Roundtable Series” available at <http://www.ftc.gov/bcp/workshops/privacyroundtables/> (last visited January 18, 2010) (“a series of day-long public roundtable discussions to explore the privacy challenges posed by the vast array of 21st century technology and business practices that collect and use consumer data. Such practices include social networking, cloud computing, online behavioral advertising, mobile marketing, and the

Protection Bureau Chief David Vladeck, in a joint interview in the New York Times on January 11, 2010, indicated that the FTC is looking to approach consumer privacy in a more comprehensive way than previous FTC models. Chairman Leibowitz stated that the FTC plans to issue a report on the new approach in June or July of this year.²

USTelecom believes that the FTC initiative holds real promise and that the FCC should be an active participant in this initiative, sharing its own expertise with the FTC, but allowing the FTC initiative to take the lead in the development of a comprehensive approach to on-line privacy that can include actors outside the FCC's traditional jurisdiction. This inclusive, joint agency approach to creating an overarching set of recommendations for privacy policy for all members of the broadband ecosystem will help to ensure that consumers have informed and consistent expectations with respect to their on-line privacy. This will help to promote the widespread use of the power of broadband by all.

collection and use of information by retailers, data brokers, third-party applications, and other diverse businesses. The goal of the roundtables is to determine how best to protect consumer privacy while supporting beneficial uses of the information and technological innovation.”).

² See Stephanie Clifford, “F.T.C.: Has Internet Gone Beyond Privacy Policies?” available at <http://mediadecoder.blogs.nytimes.com/2010/01/11/ftc-has-internet-gone-beyond-privacy-policies/?scp=1&sq=beyond%20privacy&st=cse>

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

A handwritten signature in black ink, appearing to read "Jon Banks", written in a cursive style.

By: _____

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Your submission has been accepted

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Proceedings

Name	Subject
09-47	Comment sought on international comparison and consumer survey requirements in the Broadband Data Improvement Act.
09-137	Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to section 706 of the Telecommunications Act. .
09-51	In the matter of a National Broadband Plan for Our Future.

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