

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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011

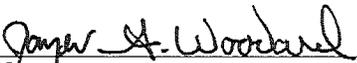
Date filed: February, 2012
Name of company covered by this certification: Pulaski Electric System d/b/a PES Energize
Form 499 Filer ID: 826681
Name of signatory: James Woodard
Title of signatory: Vice President for Broadband Operations

I, James Woodard, 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. See accompanying statement in Attachment A.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed: 
James Woodard
Vice President for Broadband Operations
PES Energize

Attachment A

PULASKI ELECTRIC SYSTEM

STATEMENT REGARDING CPNI PROCEDURES AND COMPLIANCE

BACKGROUND

Established in 1891, Pulaski Electric System (PES) is Tennessee's oldest municipal electric utility. PES currently serves approximately 15,000 customers and operates over 1,200 miles of line throughout Giles County. It provides electric service to the City of Pulaski (pop. 7,875) and neighboring communities in Giles County. The City of Pulaski, which operates PES, is a "small governmental jurisdiction" (defined as governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand).

In 2007, PES completed the construction of a state-of-the-art fiber-to-the-home (FTTH) network. 2011 marked the fourth complete calendar year in which PES provided video, voice and data services over its fiber system to residents and businesses in and around Pulaski. The services provided over this FTTH network are marketed under the name PES Energize. Voice service is offered in the form of VOIP. PES does not offer voice service as a standalone service, but only as part of a package of services with video and data. At the end of December 2011, PES had 1008 residential voice subscribers and 246 commercial voice subscribers.

PES has a contract with a wholesale provider of interconnected VOIP services, Momentum Wholesale, LLC ("Momentum"), through which PES provides its VOIP service to subscribers. PES provides the retail service to the customer. The PES Energize Terms of Service have always required a new customer to authorize Momentum to act as its authorized agent for all matters pertaining to the telephone number assigned to the customer.

COMPLIANCE REPORT

1. § 64.2005: Use of customer proprietary network information without customer approval.

PES uses, discloses, or permits access to CPNI for the purpose of providing the service offering(s) to which the customer already subscribes from PES; to support its customers; and to bill and collect for its service(s). PES also uses CPNI to protect the rights or property of PES, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to such services.

As a small local provider, PES does not engage in extensive marketing activities. When it does engage in marketing, PES typically does so through general mass mailings. PES has never used customers' individually identifiable CPNI for marketing purposes and has no intention of doing so in the future.

PES does not have any affiliated entities. However, as stated above, the fiber-to-the-home services are marketed to subscribers using the name PES Energize.

PES has never used, disclosed, or permitted access to CPNI to identify or track customers that call competing service providers, and has no intention of doing so in the future.

2. § 64.2007: Approval required for use of customer proprietary network information.

PES has never used, disclosed to its agents or affiliates, or permitted such persons or entities to obtain access to its customers' individually identifiable CPNI for the purpose of marketing communications-related services, and it has no intention of doing so in the future. Since the VOIP service that PES sells includes all available call features (voice mail, etc.), there is no reason for it to use CPNI for marketing or up-selling additional features to its customers. Therefore, PES has not used and does not plan to use its customers' individually identifiable CPNI for marketing purposes that require their approval.

3. § 64.2008: Notice required for use of customer proprietary network information.

Since PES does not use its customers' CPNI for marketing purposes, it does not solicit their approval to do so. PES does, however, use a written notice procedure to solicit their approval to use their names and addresses for marketing purposes in the following manner: PES provides customers with a written Privacy Policy applicable to all PES Energize services (video, VOIP, Internet) at the initiation of service and annually thereafter. The Privacy Policy describes the collection, use, disclosure and retention of personally identifiable information about customers, including for marketing purposes. The Privacy Policy advises customers that their names and addresses might be disclosed for mailing lists in connection with the promotion of PES Energize products and services and other legitimate business activities. The Privacy Policy also states that no information will be disclosed to third parties for marketing purposes. It further provides customers with the opportunity to remove or limit the use of their names and addresses on mailing lists by contacting PES Energize by telephone or in writing. The Privacy Policy does not specifically seek approval to collect, use or disclose "individually identifiable CPNI" for marketing purposes, and as noted above, PES does not collect, use or disclose individually identifiable CPNI for marketing purposes.

4. § 64.2009 Safeguards required for use of customer proprietary network information.

PES provides ongoing training to its personnel as to when they are and are not authorized to use CPNI. In addition, PES employees are trained to notify the Vice President of Broadband Operations of PES immediately upon detecting or becoming aware of an inappropriate disclosure of CPNI. PES has an express disciplinary process in place.

As noted above, PES does not engage in any sales and marketing campaigns that use its customers' CPNI. PES only uses the customer's name, address and telephone number for marketing. The only third party with access to PES's customers' CPNI is Momentum, but this access is for service provision and not for marketing purposes.

5. § 64.2010 Safeguards on the disclosure of customer proprietary network information.

PES takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. PES protects its electronic data and internal computer network through the use of

firewalls, anti-virus software and other industry-accepted security mechanisms. CPNI, such as call detail records, is electronically stored on equipment owned by Momentum, located on Momentum's premises. Every employee of PES who is permitted access to electronic data has an individual user account and maintains a unique password.

Telephone Access to Call Detail Information: In a customer-initiated telephone contact PES customer service representatives only disclose call detail information over the telephone if the customer first provides PES with a password that is not prompted by PES asking for readily identifiable biographical information or account information. This password is the same password used for online access and is established in the manner described below. If the customer does not provide a password, PES only discloses call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record. PES customer service representatives record in the trouble-ticketing system whether the password was provided, along with information about how the service problem was resolved. They also document whenever CPNI is disclosed and the method of verification that was used prior to making the disclosure. Customer service representative training has always emphasized that all customer data is confidential and should only be shared with the customer of record.

In-store Access to CPNI: PES customer service representatives disclose CPNI to a customer at a PES retail location only if the customer first presents to PES or its agent a valid photo ID matching the customer's account information. They also document whenever CPNI is disclosed and the method of verification that was used prior to making the disclosure.

Online Access to CPNI: PES customers have the option of accessing some of their CPNI online using systems owned and operated by Momentum. Because the systems are owned and operated by Momentum, most of the online access controls and change notification procedures are established by Momentum. When a PES customer's service is initially activated, PES asks the customer to establish a username and password at the time they order their phone service. When PES establishes a username and password for the customer, the online system is configured to authenticate the PES customer without the use of readily available biographical information or account information. Once authenticated, the customer is only able to obtain online access to CPNI related to the customer's service account through a password that is not prompted by the online system asking for readily available biographical information or account information.

The online backup method of customer authentication in the event of a lost or forgotten password is managed by Momentum. If a customer forgets his or her password, the customer can click on a link to have the password e-mailed to him or her only if he or she has provided Momentum with an e-mail address. If Momentum does not have the customer's e-mail, the link will not work but the customer can call PES and PES will give him or her the password either by calling them back at the number of record or by asking him or her to come into the office with photo ID to get the password in person.

Notification of Account Changes: Where customers have provided Momentum with an e-mail address, Momentum (and not PES) has responsibility for notifying customers whenever an online username or password, customer response to a backup means of authentication for lost or forgotten passwords, online account, or e-mail address of record is created or changed. Where customers have not provided Momentum with an e-mail address, PES relies on Momentum to notify PES of these account changes by e-mail, and PES then notifies the customer by sending an e-mail to the e-mail account of record, or a letter to the physical address of record, or by placing a phone call to the telephone number of record. Customers may not make changes to postal addresses of record

online. These may only be made by contacting PES. PES then notifies the customer of these changes by sending an e-mail to the e-mail account of record, or a letter to the physical address of record, or by placing a phone call to the telephone number of record. The notification in all cases does not reveal the changed information. It states only that a change was made.

PES has no business customers that have contracted to authentication regimes that differ from the one described above.

6. § 64.2011 Notification of customer proprietary network information security breaches.

PES will notify law enforcement and customers of any breach of its customers' CPNI and maintain a record of such any such breaches in the manner and according to the deadlines as provided by the Commission's rules. To date, PES has not become aware of any breaches.