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**REDACTED – FOR PUBLIC INSPECTION**

**REQUEST FOR CONFIDENTIAL TREATMENT  
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

March 1, 2012

*VIA ELECTRONIC FILING*

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street SW  
Washington, DC 20554

Re: Annual Customer Proprietary Network Information (“CPNI”) Certification  
EB Docket No. 06-36

Dear Ms. Dortch:

Pursuant to Exemptions 4 and 7 of the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552(b)(4) & (7), and the rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. §§ 0.457(d) & 0.459, Comcast Corporation (“Comcast”) hereby requests confidential treatment for certain information contained in the attached Annual CPNI Certification (“Certification”).<sup>1</sup> As explained below, the Certification contains company-specific, confidential data about Comcast’s CPNI security procedures and is protected from disclosure by FOIA Exemptions 4 and 7, and the Commission’s rules.<sup>2</sup>

1. *Identification of the specific information for which confidential treatment is sought.* Comcast requests that the redacted portions of the Certification be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission’s rules, which protect confidential commercial information that is not routinely available for public inspection and that would customarily be guarded from competitors.<sup>3</sup> The Certification contains company-specific, confidential commercial data about Comcast’s operations and CPNI security procedures that would not routinely be made available to the public. In addition, the Certification discloses information

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<sup>1</sup> Annual CPNI Certification & Compliance Statement, EB Docket No. 06-36 (March 1, 2012) (attached).

<sup>2</sup> 5 U.S.C. §§ 552(b)(4), 552(b)(7); 47 C.F.R. §§ 0.457 & 0.459.

<sup>3</sup> 5 U.S.C. §§ 552(b)(4); 47 C.F.R. §§ 0.457 & 0.459.

regarding security procedures and techniques that may provide a “roadmap” for data brokers or pretexters seeking to obtain unauthorized access to CPNI. Such information is protected from disclosure by the Commission’s rules and FOIA Exemption 7.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is being submitted pursuant to the Commission’s rule requiring the filing of annual CPNI certifications.<sup>4</sup>

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Certification contains company-specific, confidential data about Comcast’s operations, CPNI security procedures and techniques. If this information were to be made public, data brokers or pretexters could use it to attempt to circumvent Comcast’s security systems and obtain unauthorized access to CPNI, potentially causing harm to Comcast and its customers. Additionally, Comcast’s competitors could use such information to gain a competitive advantage over Comcast.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates directly to Comcast’s provision of residential and commercial voice services, all of which are subject to vigorous competition.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* As noted, the Certification discloses sensitive information regarding Comcast’s operations, security procedures and techniques. If this information were to be made public, Comcast’s competitors could use the information to undercut Comcast’s competitive position, and data brokers or pretexters could use it to attempt to circumvent Comcast’s security systems and obtain unauthorized access to CPNI, potentially causing substantial competitive harm to Comcast.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Certification is not available to the public and has not otherwise been disclosed previously in this form to third parties.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Comcast requests that the information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

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<sup>4</sup> 47 C.F.R. § 64.2009(e).

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* If publicly disclosed, the confidential information contained in the Certification may potentially assist data brokers, pretexters, and other wrongdoers in causing harm. Moreover, where, as here, disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.<sup>5</sup> Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily providing such information in the future and potentially deprive the FCC of information necessary to evaluate facts relevant to policy issues under its jurisdiction.

In the event that the Commission declines to grant this request, disclosure of the redacted information (other than to a Commission employee working directly on the matter) should be permitted only under limited circumstances and with appropriate protections in place. If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Comcast to pursue appropriate remedies to preserve the confidentiality of the information.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,



Emily J.H. Daniels

Attachment

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<sup>5</sup> See, e.g., *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that “for whatever reason, ‘would customarily not be released to the public by the person from whom it was obtained.’”) (citation omitted).

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**  
**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2011

Date filed: March 1, 2012

Name of company covered by this certification: Comcast Legal Entities Listed in Attachment A

Form 499 Filer ID: See Attachment A

Name of signatory: Catherine Avgiris

Title of signatory: Executive Vice President and General Manager, Data and Communications Services

I, Catherine Avgiris, certify that I am an officer of the Comcast Legal Entities listed in Attachment A hereto (collectively referred to as "the Company" or "Comcast") and acting as an agent of the Company, and 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 are two accompanying statements. The first statement explains how the Company's procedures ensured that the Company was in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules. **[BEGIN CONFIDENTIAL INFO]** [REDACTED]

[REDACTED] **[END CONFIDENTIAL INFO]**

The Company did receive customer complaints in 2011 concerning the alleged unauthorized release of CPNI. Attached to this certification is a summary of the number of customer complaints Comcast has received related to alleged unauthorized access to, or alleged unauthorized disclosure of CPNI, broken down by category of complaint.

Signed:   
Catherine Avgiris  
Executive Vice President and General Manager, Data and Communications Services  
March 1, 2012



[END CONFIDENTIAL INFO]

**Eighth**, Comcast employs a variety of internal and external operating procedures designed to ensure compliance with CPNI regulations. Such procedures include:

A) The publication of a privacy policy including CPNI-specific policies on Comcast.com and circulation of that policy within Comcast during CPNI training.

B) Recurring training programs concerning the proper treatment, use and disclosure of CPNI.

C) The implementation and administration of an employee disciplinary program designed to ensure compliance with internal procedures. Such program includes a variety of potential disciplinary actions for the violation of internal privacy procedures, including the termination of employment where appropriate.

[BEGIN CONFIDENTIAL INFO]

[REDACTED]

[END CONFIDENTIAL INFO]

**Ninth**, it is Comcast's policy to notify law enforcement of a breach of its customers' CPNI as soon as practicable, and in no event later than 7 business days, after reasonable determination of the breach, by electronic notification to the United States Secret Service and the Federal Bureau of Investigation through a central reporting facility. Comcast will not notify customers or disclose the breach to the public until 7 full business days have passed after notification except when it believes there is an extraordinarily urgent need and after consultation with and in cooperation with the relevant investigating agency. Comcast will delay notification to customers or the public if directed to do so in writing by the investigating agency. Comcast maintains a record for at least 2 years of any breaches discovered and notifications made.

**[BEGIN CONFIDENTIAL INFO]**

[REDACTED]

[REDACTED]

**[END**

**CONFIDENTIAL INFO]**

**2011 CPNI Complaint Summary of Comcast Corporation**

<b>CPNI Complaints</b>	<b>2011</b>
<b>• Unauthorized Access by Employees</b>	
Total Complaints Received	0
Valid Complaints	0
<b>• Improper Disclosure to Unauthorized Parties</b>	
Total Complaints Received	13
Valid Complaints	0
<b>• Improper Access to On-Line Information by Unauthorized Parties</b>	
Total Complaints Received	107
Valid Complaints	0
<b>• Unauthorized Changes to Customer Record</b>	
Total Complaints Received	435
Valid Complaints	2
<b>Actions Taken Against Pretexters</b>	
Court Actions	0
State Commission Actions	0
FCC Actions	0

## ATTACHMENT A

	<b>FORM 499 FILER ID</b>	<b>LEGAL NAME</b>
1.	825948	Comcast IP Phone, LLC
2.	825947	Comcast IP Phone II, LLC
3.	826643	Comcast IP Phone III, LLC
4.	826642	Comcast IP Phone IV, LLC
5.	826641	Comcast IP Phone V, LLC
6.	826988	Comcast IP Phone VI, LLC
7.	826989	Comcast IP Phone VII, LLC
8.	812736	Comcast Business Communications, LLC
9.	822102	Comcast Phone, LLC
10.	824688	Comcast Phone II, LLC
11.	819692	Comcast Phone of Maryland, Inc.
12.	819690	Comcast Phone of Northern Virginia, Inc.
13.	824416	Comcast Phone of New York, LLC
14.	820956	Comcast Phone of Michigan, LLC
15.	809372	MH Lightnet, LLC
16.	816002	New Global Telecom, Inc.