

CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE MANUAL



Prepared and maintained by:

The CommLaw Group
www.CommLawGroup.com

And its affiliated consulting firm:

The Compliance Group, Inc.
www.ComplianceGroup.com

1420 Spring Hill Road, Suite 205
McLean, VA 22101

The CommLaw Group
Tel: 703-714-1300
E-mail: mail@commlawgroup.com

The Compliance Group
Tel: 703-714-1302
E-mail: mail@compliancegroup.com

Guide for Telecommunications Services and
Interconnected VoIP Provider Compliance with
FCC Customer Proprietary Network Information Regulations

Contents

INTRODUCTION	1
WHAT IS CPNI	3
Customer Approval for Use of CPNI.....	4
Notice Requirements.....	4
Use of CPNI without Customer Approval.....	5
CPNI Safeguards.....	6
Authorized Disclosure of CPNI.....	6
Business Customers Exemption.....	7
Customer Notification of CPNI Changes	8
Unauthorized Access to CPNI	8
Interconnected VoIP.....	8
Annual Officer Certification Filing.....	9
Additional Measures	9
Enforcement.....	10
FREQUENTLY ASKED QUESTIONS:	11
What duties do I have under the CPNI Regulations?.....	11
Can I ever use CPNI without a customer’s approval?.....	11
What types of marketing can I conduct without using CPNI?	11
What must be included in my “CPNI Compliance Certification?”	12
What rules or regulations do not apply if I am not using CPNI?	13
What formats can I use to receive authorizations?.....	13
When can I disclose the information to other parties?.....	13
APPENDIX A: FCC Public Notice Regarding CPNI Compliance & Sample CPNI Certification	15

Introduction

In 1999, the Federal Communications Commission (“FCC”) began implementing the consumer privacy provisions set forth in Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“the Act”). Through a series of decisions, the FCC established a comprehensive regulatory regime to protect Customer Proprietary Network Information, or CPNI, from unlawful access and use. *See* 47 C.F.R. Sec. 64.2003 through 64.2009.

Under the regulatory framework established and enforced by the FCC, all carriers who maintain or have access to customer information are required to prevent access to, and unlawful use of, CPNI, particularly with respect to carrier marketing campaigns and unauthorized third parties.

In recent years, the issue of CPNI protection gained national attention due to the unscrupulous activities of “data miners” and “brokers,” “pretexters,” and other entities that allegedly gained unlawful access to, and exploited, CPNI from several major telecommunications service providers. Media attention led Congress to exert pressure on the FCC to enforce its existing Regulations and take further actions to protect consumer privacy. The FCC heeded Congress’ call to action.

On May 2, 2007, the FCC promulgated additional CPNI regulations which extended the reach of Section 222’s protections to Interconnected VoIP providers and added several new compliance rules, including FCC filing requirements, law enforcement and record-keeping responsibilities, and customer notification duties. The FCC explicitly stated that CPNI protection was of the utmost importance and that it would not be shy about enforcing the new rules.

True to its word, on February 24, 2009, the FCC released an Omnibus Notice of Apparent Liability for Forfeiture charging over 650 companies with a violation of the FCC CPNI rules by failing to timely file CPNI compliance certifications for the 2007 calendar year. The FCC proposed a forfeiture in the amount of \$20,000 for each such alleged failure to file the CPNI certification. On the same day, the FCC also released a number of Notices of Apparent Liability, imposing lesser fines upon individual carriers which, although having timely filed CPNI certifications, fell short of full compliance with CPNI requirements. Thus, by its enforcement and rulemaking actions, the FCC has un-mistakenly signaled that compliance with its CPNI regulations is a serious responsibility, shared by all telecommunications service providers, that should not be ignored.

This “CPNI Compliance Manual” has been prepared to help telecommunications service providers fulfill their regulatory and legal responsibilities under the FCC’s CPNI Regulations. Inside you will find a detailed explanation of the current CPNI Regulations and carrier duties thereunder. Also included are “Frequently Asked Questions” about CPNI compliance to help answer common questions.

We ask telecommunications service providers to use this CPNI Compliance Manual as a tool to understand your company’s duties and implement changes in policies and practices, as necessary to

comply with the current CPNI Regulations. Although the responsibilities detailed in the Manual are current and applicable to the current year as of this distribution, we urge you to consult the FCC Rules or contact us if questions arise now or in the future.

Should you have any questions or require further information about any of the CPNI Regulations and responsibilities outlined in the Manual, please contact please contact representatives at either The *CommLaw* Group, 703-713-1300, or its affiliated consulting firm, The *Compliance* Group, 703-714-1302.

Sample