EX PARTE OR LATE FILED

ORIGINAL

RECEIVED

FEB - 4 2002

FCC MAIL ROOM

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

MAIN PHONE: (602) 542-5025
FACSIMILE: (602) 542-4085

February 1, 2002

Magalie Roman Salas
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Telecommunications Carriers' Use of Customer Proprietary Network Information and Customer Information, CC Docket Nos. 96-115 and 96-149

Dear Ms. Salas:

The Attorney General of Arizona wishes to file the enclosed *ex parte* comments in the above-mentioned matter, relating to Telecommunications Carriers' Use of Customer Proprietary Network Information ("CPNI"). Enclosed are one original and four copies.

Very truly yours,

Paul A. Bullis

Paul A. Bullis
Division Chief Counsel
Public Advocacy Division
Telephone: (602) 542-7713
Facsimile: (602) 542-8885

w/ enclosures

cc: Marcy Greene

No. of Copies rec'd 0+4
List A B C D E

Before the
Federal Communications Commission
Washington, DC 20554

RECEIVED

FEB - 4 2002

FCC MAIL ROOM

In the matter of	)	
	)	
Telecommunications Carriers'	)	CC Docket No. 96-115
Use of Customer	)	CC Docket No. 96-149
Proprietary Network Information	)	

To: The Commission

EX PARTE COMMENTS OF
THE ATTORNEY GENERAL OF ARIZONA

February 1, 2002

The Attorney General of Arizona previously submitted *ex parte* comments in this matter on January 25, 2002 ("Comments"), in which she described the real life problems created by Qwest Communications International, Inc.'s adoption of an opt-out approach to dissemination of Customer Proprietary Network Information ("CPNI").[1] The Comments concluded with a recommendation that the Federal Communications Commission ("Commission") "require carriers to use an opt-in approach to obtain customer approval for the sharing or sale of customer account information." Comments at 8-9. The Arizona Republic, the state's largest newspaper, has since joined in this recommendation in an editorial published on January 30, 2002 (a copy of the editorial taken from the newspaper's internet site is attached hereto). The editorial calls for the "Federal Communications Commission to step in" and "draw up the [opt-in] rule again in a way

[1]Qwest has since stated that it is reversing this policy pending final action by the Federal Communications Commission in this matter.

that responds to the legal issues."

The Arizona Republic's editorial is further evidence of the great importance that CPNI has for the citizens of Arizona and the widely held view that the proper approach to the use of that information is opt-in. The Attorney General of Arizona continues to urge the Commission to adopt an opt-in approach.

RESPECTFULLY SUBMITTED this 1st day of February, 2002.

Janet Napolitano
Attorney General

By _____
Paul A. Bullis
Public Advocacy Division Chief
1275 West Washington
Phoenix, Arizona 85007
Phone: (602) 542-7713

WORLD CHAMPS WORLD CHAMPS

azcentral

PRINT THIS
Sponsored by KB HOME

Customers' phone records should stay private

Qwest made right choice on sharing data

Jan. 30, 2002

Hello-o-o-o-o.

Qwest answered the calls of customers and regulators. And it gave the right answer.

The local phone giant on Monday dropped plans to share intensely private customer information. The plan was especially controversial because customers were automatically included unless they contacted the company and asked to "opt out."

We applaud Qwest's decision to put this intrusive project on hold. It was the right thing to do. Plus, Qwest surely had to realize that the controversy does nothing for its request to expand into long-distances service. The Arizona Corporation Commission and Attorney General Janet Napolitano deserve bouquets for their leadership in defending telephone privacy.

The issue here isn't about releasing your name, address and phone number, which are already fair game. Qwest wanted to share confidential information, such as where you call, who phones you and how long the calls last.

Qwest insists the data would remain within its own "family of companies," as a marketing tool to figure out what people wanted. But the description in its brochure was virtually a blank check to market the information.

Now we need the Federal Communications Commission to step in.

The FCC already tried to require phone companies to use an "opt in" approach: Consumers would have had to specifically agree before their private information could be shared. The FCC lost a court challenge to that method, but the agency can draw up the rule again in a way that responds to the legal issues.

In the meantime, all telecommunications companies should make sure that our private calling records stay private.

After all, this is a special category of information, so personal and confidential that law enforcement authorities need a court order or subpoena to get it.

Links referenced within this article

Find this article at:
http://www.arizonarepublic.com/opinions/articles/0130wed3-30.html

☑ Uncheck the box to remove the list of links referenced in the article.