



March 5, 2010

Mr. Steven C. Reed
Secretary of the Commission
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Proposed CPNI Rule Change
Commission Case No. TX-2010-0160

Dear Mr. Reed:

AT&T Missouri¹ appreciates the opportunity to offer comments to the Missouri Public Service Commission ("Commission") on its proposed revision to Subsection (7)(F) the Commission's Customer Proprietary Network Information ("CPNI") Rule, 4 CSR 240-33.160.

AT&T Missouri supports the Commission's effort to streamline the CPNI annual certification process by allowing a company to comply with the certification requirement by filing a copy of its annual CPNI compliance filing made with the Federal Communications Commission ("FCC"). AT&T Missouri, however, is concerned that the eligibility condition for using this alternative is overly restrictive and inconsistent with other provisions of the Commission's CPNI rule and Section 222(d) of the federal Telecommunications Act.

Under the Commission's proposed rule, the alternative is available "if the company does not share CPNI with joint venture partners or independent contractors (except for billing and collection services)."² If CPNI is shared beyond the "billing and collection services" exception, the proposed rule appears to preclude this compliance alternative and also would require the company to "indicate whether confidentiality agreements are used that comply with 4 CSR 240-33.160(3)(A)."

Billing and collections service, however, is not the only exception to the opt-in and confidentiality agreement requirements under Subsection 3(A)(1) of the Commission's existing CPNI rule. The Commission's rule also allows disclosure of CPNI without a confidentiality agreement to joint venture partners and independent contractors to "initiate" and "render" telecommunications services:

¹ Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri."

² Proposed Rule 4 CSR 240-33.160(7)(F).

(3) Approval Required for Use of CPNI.

(A) Use of Opt-Out and Opt-In Approval Process.

1. A telecommunications company shall obtain opt-in approval from a customer before disclosing that customer's CPNI to the telecommunications company joint venture partners or independent contractors. Nothing in this section prohibits a telecommunications carrier from using, disclosing, or permitting access to customer proprietary network information obtained from its customers, either directly or indirectly through its agents to initiate, render, bill, and collect for telecommunications services. Any disclosure to joint venture partners and independent contractors for purposes other than those specifically listed above shall be subject to the safeguards set forth in paragraph (3)(A)3. below. (Emphasis added.)

A similar exception is also contained in Section 222(d) of the federal Telecommunications Act:

Nothing in this section prohibits a telecommunications carrier from using, disclosing, or permitting access to customer proprietary network information obtained from its customers, either directly or indirectly through its

Agents -

- (1) to initiate, render, bill, and collect for telecommunications services;
(emphasis added)

In addition, the Commission's existing CPNI rules permit use, disclosure and access to CPNI to "protect the rights or property of the telecommunications company, or to protect users of those services and other telecommunications companies from fraudulent, abusive or unlawful use of or subscription to, such services;"³ or to "public service answering points (PSAPs) if the PSAP claims it needs the information to respond to an emergency."⁴

These exceptions recognize telephone companies' need to provide certain CPNI to independent contractors that support the telephone company's day to day operations in providing telecommunications service to customers. For example, independent contractors are often involved in installing, maintaining and repairing telephone company computer systems used in the provision of service to customers and managing customer accounts. Outside consultants are also engaged to manage or assist with IT projects to improve the performance or expand the capabilities of data management systems and software. Independent contractors that work on such internal company systems by necessity have access to the information housed in those systems. Telephone companies also routinely employ outside vendors to handle customer fulfillment (e.g., the preparation and mailing of welcome kits to new customers and notification letters to existing customers). None of these activities, however, were ever intended to be proscribed or restricted by the CPNI rules, as those activities have no connection to the use of CPNI for marketing purposes.

³ 4 CSR 240-33.160(2)(C)(3).

⁴ 4 CSR 240-33.160(2)(C)(4) (release limited to subscriber list information).

Mr. Steven C. Reed

March 5, 2010

Page 3

To be consistent with the Commission's existing CPNI rule and the FCC's CPNI rule, the compliance alternative in the proposed rule should read:

Alternatively, a company may attach to its annual report a copy of its CPNI filing to the Federal Communications Commission if the company does not share CPNI with joint venture partners or independent contractors (except to initiate, render, bill, and collect for telecommunications services or as otherwise permitted without customer approval under the Commission's rules for billing and collection services).

We appreciate your bringing these comments to the Commission's attention and their taking them into consideration during their deliberations.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Leo J. Bub".

Leo J. Bub

cc: MoPSC General Counsel
Public Counsel