

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Proposed New Rule 4)
CSR 240-33.160 Regarding Customer)
Proprietary Network Information.)

Case No. TX-2003-

AFFIDAVIT

The Telecommunications Department Staff (Staff) proposes to initiate a new rulemaking, 4 CSR 240-33.160, to outline procedures a telecommunications company must follow when releasing customer proprietary network information (CPNI). CPNI is defined as “(A) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier.”¹ Basically, CPNI is any data generated when a customer places or receives a call, which contains personal or identifiable information about the customer and any information necessary to bill the customer for service(s) rendered.

The FCC rules require opt-out approval for CPNI to be shared with a carrier’s affiliates, agents, independent contractors (such as telemarketers) and joint venture partners for the purpose of marketing and to providing communications-related services (Opt-out approval is when a company is permitted to use a customer’s CPNI unless the customer directs otherwise.) Opt-out requires a 30-day waiting period following customer notice before customer consent can be

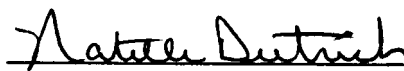
¹ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information; and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended; 2000 Biennial Regulatory Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers, Third Report and Order and Third Further Notice of Proposed Rulemaking, FCC 02-214, July 2002, par 7*

inferred. In addition, the FCC requires carriers to provide refresher notices of customer opt-out rights every 2 years.

For unaffiliated third parties and third parties that do not provide communications-related services, the FCC requires opt-in approval. Opt-in approval requires express consent by written, oral or electronic means.

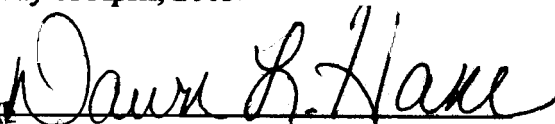
Staff's proposed rulemaking would incorporate FCC rules, but would also include definitions for such terms as affiliate, unaffiliated third party, joint venture partner, etc. Staff's proposed rulemaking would include standards for the customer notice companies provide. These standards are intended to help customers understand what action is necessary to protect or release individual CPNI. Finally, when a telecommunications company releases the information to its affiliates, unaffiliated third parties, joint venture partners, etc., Staff's proposed rules will direct the telecommunications company to inform that affiliate, unaffiliated third party, joint venture partner, etc. as to any restrictions on the use of that information.

I certify that I have read the foregoing statement and that the facts therein are complete, true and accurate to the best of my knowledge and belief.


Natelle Dietrich, Affiant
Staff Regulatory Economist III

Subscribed and sworn to before me this 15th day of April, 2003

Notary Public


DAWN L. HAKE
Notary Public – State of Missouri
County of Cole
My commission expires Jan 9, 2005