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BEFORE THE ARIZONA CORPORATION COMMISSION

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Docket No. RT-00000J-02-0066

IN THE MATTER OF DISSEMINATION OF
INDIVIDUAL CPNI BY
TELECOMMUNICATIONS CARRIERS.

RUCO's RESPONSE TO STAFF'S 2ND DRAFT OF PROPOSED CPNI RULES

INTRODUCTION

The Residential Utility Consumer Office ("RUCO") submits the following comments in response to Staff's Second Draft. The second proposed Draft addresses most of the concerns raised by RUCO in its initial comments. Overall, RUCO supports Staff's second proposed Draft.

There are a few points, however, which need further clarification or are not supported by RUCO. The Rule distinguishes the type of approval necessary to disseminate CPNI to third parties and affiliates that do not provide communications-related services. R14-2-xx04. It is clear that dissemination of CPNI to affiliates that do not provide telecommunications-related services requires "opt-in" approval. R14-2-xx04. What is less clear is the type of approval necessary to disseminate CPNI information to third parties. The proposed Rule states that a telecommunications carrier may disseminate CPNI to any third party identified by the customer subject to the customer's express prior written request. R14-2-xx04(e). It appears that "opt-in" approval is

1 necessary to disseminate to third parties. Therefore, it is confusing to label the type of
2 approval necessary something different than "opt-in" approval. If there is a difference,
3 RUCO would suggest that the Rule spell out the difference. If there is no difference,
4 RUCO would suggest subsection (B) use the same language as subsection (A).

5 RUCO would recommend against providing for oral opt-in notification as proposed
6 under R14-2-xx05(A). The rule is contradictory, allowing for oral notification, but requiring,
7 among many other things, that the contents of such notification be mailed separately from
8 any inducements. R14-2-xx05(B)(2).

9 In addition, the Rule requires the notice to include an array of other information.
10 R14-2-xx05(B)(5) – (B)(11). It would be unduly burdensome for the Company, and not
11 particularly informative to the customer to have the notification presented by oral means. It
12 is also likely to result in uninformed consent. Oral opt-in notification should not be allowed
13 under the Rule.

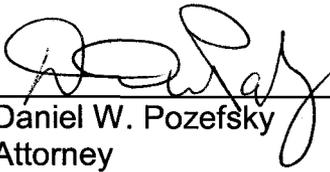
14 In its initial comments, RUCO had recommended that verification methods for
15 dissemination of CPNI include electronic verification where the verification website address
16 is obtained from information in the mailed notice sent to the customer pursuant to the
17 notice requirements of the Rule. RUCO urges caution when considering electronic
18 verification because of the possibility of uninformed consent. The possibility of uninformed
19 consent exists where the consumer is directed by a telecommunication company's website
20 to another website page where the consumer can grant authorization. The Commission
21 can avoid this possibility by requiring that the consumer be directed to the website in
22 writing pursuant to the Rule. R14-2-xx05. RUCO recommends the Commission allow
23 verification by electronic means where access to the Company's web address can only be
24

1 obtained from information conveyed to the customer either orally or in writing – not via a
2 link from another web page.

3 **CONCLUSION**

4 RUCO supports Staff's second proposed CPNI Rules. RUCO opposes oral opt-in
5 notification. RUCO recommends that the Commission allow verification by electronic
6 means where access to the Company's web address can only be obtained from
7 information conveyed to the customer either orally or in writing.

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9 RESPECTFULLY SUBMITTED this 27th day of August, 2004.

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12 Daniel W. Pozefsky
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