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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF DISSEMINATION OF
INDIVIDUAL CUSTOMER PROPRIETARY
NETWORK INFORMATION BY
TELECOMMUNICATIONS CARRIERS

DOCKET NO. RT-00000J-02-0066

STAFF'S NOTICE OF FILING
PROPOSED ORDER

The Arizona Corporation Commission Staff ("Staff") hereby gives Notice of Filing the attached proposed Order to assist the Commission in its deliberations and consideration of this item at its March 15-16, 2006 Open Meeting.

RESPECTFULLY SUBMITTED this 10th day of March, 2006.

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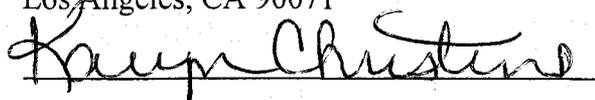
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF DISSEMINATION OF
INDIVIDUAL CUSTOMER PROPRIETARY
NETWORK INFORMATION BY
TELECOMMUNICATIONS CARRIERS

DOCKET NO. RT-00000J-02-0066

DECISION NO. _____

ORDER

Open Meeting
March 15, 2006
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On November 14, 2005, in Decision No. 68292, the Arizona Corporation Commission ("Commission") adopted rules concerning Customer Proprietary Network Information ("CPNI") sharing, notice and verification requirements for telecommunications carriers providing service within the State of Arizona. The rules marked the culmination of a three year rule-making proceeding at the Commission during which all interested parties had numerous opportunities for input into the final rules adopted by the Commission.

2. In accordance with A.R.S. Section 41-1044, the rules were transmitted to the Attorney General's Office for certification. During this process, comments were received regarding the provision for carriers to obtain an extension of time of the one year verification period. The Attorney General's Office indicated a desire that definitive standards be included to guide carriers which are unable to complete the process within the one year period provided in the rules and need an extension of time.

1 3. At a subsequent Commissioner-Staff Open Meeting held in January, 2006, the
2 Commission authorized Staff to develop recommended standards to include for the extension of time
3 provision in the rules.

4 4. Commission Staff developed standards to include as Subpart I of R14-2-2108 of the
5 rules and presented those standards to the Commission at an Open Meeting held on March 7, 2006.
6 An Open Meeting Agenda reflecting this Agenda item was properly noticed. The Commission
7 adopted Staff's recommended standards at the March 7, 2006 Open Meeting.

8 5. Subsequently, the Commission received inquiries regarding the standards adopted by
9 the Commission, the fact that some carriers had obtained the notice but were unable to attend the
10 March 7, 2006 meeting, and requests from carriers to present comment to the Commission on the
11 standards.

12 6. Accordingly, the Commission, in an effort to accommodate the carriers' requests and
13 their inability to attend the March 7, 2006 meeting, has agreed to consider the Staff's proposed
14 standards once again at its March 15 and 16, 2006, Open Meeting.

15 7. The standards proposed by Staff are attached as Exhibit A to this Order and will
16 appear at Subpart I of R14-2-2108 adopted by the Commission in November, 2005.

17 8. The Commission considers the standards to be a non-substantive change to the rules
18 such that further rulemaking proceedings are unnecessary. By including the standards, the
19 Commission is merely augmenting an already existing rule which allows the Commission to grant
20 extensions of time to carriers that are unable to complete the verification process contained in R14-2-
21 2108 of the rules within the one year period set forth therein. The standards were developed to
22 provide guidance to carriers to obtain extensions of time and to ensure that there are definitive
23 standards that carriers can rely upon in order to obtain additional time if needed.

24 9. Pursuant to Ordering paragraph 4 of Decision No. 68292, the Commission's Utilities
25 Division was authorized to make non-substantive changes in the adopted A.A.C. R14-2-2102 through
26 A.A.C. R14-2-2112, and to the adopted Summary of Comments and Responses, in response to
27 comments received from the Attorney General's Office during the approval process pursuant to
28

1 A.R.S. Section 41-1044 unless, after notification of those changes, the Commission requires
2 otherwise.

3 10. Based upon comments received from the Attorney General's office, the Staff
4 recommends that the Commission adopt the standards attached as Exhibit A for incorporation into the
5 rules at R14-2-2108, Subpart I.

6 11. Upon consideration of the comments received, the Commission adopts the standards
7 attached as Exhibit A for incorporation into the rules at R14-2-2108, Subpart I.

8 **CONCLUSIONS OF LAW**

9 1. Pursuant to Article XV of the Arizona Constitution, Ariz. Rev. Stat. Sections 40-202,
10 40-203, 40-321 and 40-322 and Section 44-1572 et. seq., the Commission has jurisdiction to enact
11 this non substantial change to the rules.

12 2. Enactment of these standards is in the public interest.

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ORDER

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3 1. IT IS THEREFORE ORDERED that the proposed R14-2-2108, Subpart I as
4 set forth in Appendix A. are hereby adopted.

5 2. IT IS FURTHER ORDERED that the Utilities Division shall submit this non
6 substantial change to the Commission's rules to the Office of the Attorney General for endorsement.

7 3. IT IS FURTHER ORDERED that this Decision shall become effective
8 immediately.

9
10 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

11
12 _____
CHAIRMAN

COMMISSIONER

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16 _____
COMMISSIONER

COMMISSIONER

COMMISSIONER

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19 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
20 Director of the Arizona Corporation Commission, have
21 hereunto set my hand and caused the official seal of the
22 Commission to be affixed at the Capitol, in the City of Phoenix,
23 this __ day of March, 2006.

24 _____
BRIAN C. McNEIL
EXECUTIVE DIRECTOR

25 DISSENT: _____

26
27 DISSENT: _____

EXHIBIT A

I. The Commission may grant an extension(s) of time to complete the verification process if the applicant demonstrates items (1) through (4) below:

- (1) The applicant has used its best efforts to obtain customer verification of their CPNI sharing preference. One means of demonstrating this would be for the applicant to show that it has achieved verification with respect to a minimum of one-third of its customers during the initial or extension period for which the company used the opt-out approval mechanism; and
- (2) The applicant has contacted each of its customers (for whom it has used an opt-out approval mechanism) at least once in the first half of the verification period and at least once during the second half of the verification period (if it was unsuccessful in obtaining the customer's verification during its initial contact) to verify the customer's CPNI sharing preference; and
- (3) One of the applicant's contacts to the customer has been by phone to the customer's primary residence or telephone number by a person speaking the customer's language preference (English or Spanish). If the customer is not there, it should allow, if technically feasible, the customer the option of responding via message return; and
- (4) The applicant presents a plan for achieving verification for its remaining customers. In its plan, the applicant must demonstrate that the additional time it is requesting is no longer than is reasonably necessary to complete items (1) and (3) again for any customers it was unsuccessful in contacting during the initial verification period, and to complete any additional measures designed to ensure customer contact during the extension period.