



Advocates for Rural Broadband

Paul Kelly
President

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February 24, 2017

FILED VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of Ex Parte Communication, *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106

Dear Ms. Dortch:

On February 22, 2017, the undersigned and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Madeleine Findley, Daniel Kahn, Melissa Kirkel (via telephone), and Sherwin Siy to discuss the Joint Petition for Stay filed by 9 industry trade associations on January 27, 2017. WTA also briefly discussed its interest in working with the Commission to address issues raised in petitions for reconsideration currently under review and recalibrate the rules adopted in the Broadband Privacy Order to work better for consumers and carriers alike.

In light of the quickly approaching March 2 effective date of the new data security rule adopted in the Broadband Privacy Order, WTA urged the Bureau to expeditiously grant the Joint Petition. WTA explained that although its members have long complied with the Commission’s existing voice CPNI rules as rural local exchange carriers, the data security and breach notification requirements in the Order encompass a broad range of data points previously not contemplated to be within the purview of the Commission’s CPNI rules, and include presumptions of sensitivity and definitions for harm which are unduly burdensome for carriers. WTA reiterated its support for the voluntary principles for protecting consumers’ privacy appended to the Joint Petition.

Despite the limited retention and use by small providers of customer data for advertising or marketing purposes reflected in the record, small providers must conduct a comprehensive review and update of existing internal business practices and service agreements with third-party vendors to ensure compliance with the Commission’s new data security rules. WTA noted that costs will vary significantly among small providers depending on their unique data security postures and that some carriers have already undertaken or will soon undertake compliance efforts. WTA stated that enforcement of existing state and federal laws, in addition to the voluntary industry principles, ensure that granting the Joint Petition’s request would merely preserve the status quo while avoiding incremental and unnecessary regulatory burdens for carriers, including carriers with the smallest budgets and regulatory compliance teams. At a time when the Commission is reviewing numerous petitions for reconsideration which raise substantial questions regarding the Commission’s authority and the constitutional validity of policy decisions made in the Order and Congress is actively considering use of the Congressional Review Act to eliminate the Order in its entirety, the Commission should not require carriers to shoulder the non-recoverable burden of compliance for rules which could quickly be mooted.

Finally, WTA nevertheless urged the Commission to retain certain steps taken in the Broadband Privacy Order to update and streamline existing voice CPNI rules, including elimination of certain recordkeeping and annual CPNI certification requirements. WTA noted that small providers are already relying on the Commission's Public Notice confirming elimination of such requirements as of January 3, 2017, and are not preparing annual 2016 CPNI certifications for filing by March 1, 2017.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,
/s/ Patricia Cave
Patricia Cave
Director, Government Affairs

Cc (via email): Madeline Findley
Daniel Kahn
Melissa Kinkel
Sherwin Siy