



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU REMINDS CONNECT AMERICA PHASE I CHALLENGE PARTICIPANTS TO PROTECT CUSTOMER PRIVACY IN CHALLENGE PROCESS

WC Docket No. 10-90

The Wireline Competition Bureau reminds parties interested in participating in the Connect America Phase I challenge process that all filings should protect customer privacy consistent with applicable privacy laws and regulations.

In the *Phase I Round 2 Order*, the Commission established a challenge process by which a provider could submit evidence showing that it serves a particular census block.¹ The Commission noted that certain types of information might be probative, including “customer billing records, appropriately redacted to preserve customer privacy.”² To the extent a provider’s records are subject to laws or regulations related to customer proprietary network information, customer billing records should not be submitted if doing so is inconsistent with such laws or regulations.³ Providers should also consider the applicability of the Electronic Communications Privacy Act⁴ as well as the prohibitions related to customer privacy described in 47 U.S.C. § 551.

Participants in the challenge process are not required to submit customer billing records and should consider alternative methods of informing the Commission that a census block is, in fact, served by fixed Internet access with speeds of 3 Mbps/768 kbps or higher. For instance, an officer may certify that a number of customers are currently being served in the relevant census block, without providing any identifying information relating to the customers. To the extent that the disclosure of customer records or portions of those customer records is not legally prohibited, and participants in the challenge process choose to submit records to substantiate their claims, they should take extreme care to protect customer privacy. At most, submitted customer records should only include the address of service and sufficient information to support a claim that fixed Internet access with speeds of 3 Mbps/768 kbps or higher is

¹ *Connect America Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 7766, 7776-79, paras. 28-33 (2013) (*Phase I Round 2 Order*).

² *Id.* at 7779, para. 33.

³ See 47 U.S.C. § 222; 47 C.F.R. §§ 64.2001-64.2011.

⁴ 18 U.S.C. § 2702(a)(3), (c) (prohibiting any provider of electronic communication service to the public from “knowingly divulg[ing] a record or other information pertaining to a subscriber to or customer of such service . . . to any governmental entity,” subject to certain exceptions). This is not an exhaustive list of statutes and regulations related to subscriber privacy. Each provider must exercise its own due diligence in ensuring its submissions comply with applicable law. Parties are also cautioned that, in circumstances where laws or regulations prohibit release of information to the government, the filing of unredacted versions of the records, even if filed confidentially, may still violate the applicable law.

being provided.⁵ All other information should be redacted, including, but not limited to, customer name, customer phone number, account number, charges for items other than broadband service (including other services subscribed to, late fees, equipment rental, etc.), method of payment, payment status, previous payments, and total billed amount.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, please contact Ryan Yates, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-7400, or at TTY (202) 418-0484.

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⁵ Parties may present partially redacted address and service information. For example, a party may present a partially redacted house number (such as removing the last one or two digits from the house number). Apartment or unit numbers should be removed.