

Gregg Diamond
Director – External Affairs



600 Hidden Ridge, HQE02E84
Irving, Texas 75038
972-718-3504
972-719-7948 FAX
gregg.diamond@verizon.com

April 2, 2008

The Honorable Colleen Dale
Secretary, Missouri Public Service Commission
Post Office 360
Jefferson City, Missouri 65102

**RE: Case No. TX-2008-0090
4 CSR 240-33.160
Customer Proprietary Network Information (CPNI) Rules**

Dear Judge Dale:

Verizon (MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc. d/b/a Verizon Business Services) appreciates the opportunity to comment on the Missouri Public Service Commission's (Commission or PSC) proposed changes to its Customer Proprietary Network Information (CPNI) Rules. First, Verizon concurs in MTIA's comments that address three (3) areas where the Commission's CPNI rules need changes to conform to the CPNI rules that were recently enacted at the federal level by the Federal Communications Commission (FCC). Second, Verizon makes the following additional comments to the Commission's rules:

1. Opt-in Requirements for Joint Venture Partners or Independent Contractors (240-33.160(3)(A)1)

The requirement that the carrier obtain opt in consent before sharing CPNI with joint venture partners and independent contractors should be deleted because it violates the First Amendment. First, the State of Missouri has provided no evidentiary support in the record that there is a substantial state interest that requires the rule change. There is no support for the proposition that joint venture partners or independent contractors have been targeted by pretexters, or that they have access to the type of information that pretexters would seek (e.g., call detail). Nor is the rule supported by the Commission's more general appeals to "privacy." *U.S. West*, 182 F.3d at 1235 ("[P]rivacy may only constitute a substantial state interest if the government specifically articulates and properly justifies it."). Second, even if unauthorized disclosure was a legitimate concern in connection with the sharing of CPNI with joint venture partners and independent contractors, the agency has failed to show that there are not less restrictive means (e.g., opt out) to address those concerns. Restrictions on commercial speech must be "narrowly tailored to advance a legitimate governmental interest."

2. Requirements Specific to Customer-Initiated Contacts

240-33.160(5)(A)1(A) of the proposed rules states that call detail can be provided to a customer over the phone only if the customer first provides the company with a password. This section should be amended to make it clear that this requirement only applies to inbound calls, consistent with the FCC rules. In addition, 240-33.160(5)(A)1 (A)(II) also states that if a customer does not provide a password when requesting call detail, the information can be sent to the customer's address of record or to the customer's telephone number of record. The rules should clarify, consistent with the FCC rules, that any CPNI can be sent to the customer's address of record or to the customer's telephone number of record.

3. Online Access

Verizon proposes the word "online" should be added to 240-33.160(5)(A)2(A) so it reads as follows: "A telecommunications company shall authenticate a customer without the use of readily available biographical information or account information prior to allowing customer "online" access to CPNI related to a telecommunications service account." This will further clarify the Commission's intent for online access.

In summary, Verizon respectfully requests the Commission modify the CPNI rules as discussed above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregg Diamond", with a stylized flourish at the end.

Gregg Diamond
Director-External Affairs