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Seattle, Washington 98191

Theresa Jensen  
Director- Washington Regulatory Affairs  
Policy and Law

August 12, 2002

Carole Washburn  
Executive Secretary  
Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S. W.  
P. O. Box 47250  
Olympia, Washington 98504-7250

Re: Proposed Customer Information Rules - Docket No. Ut-990146

Attn: Bob Shirley

Dear Ms. Washburn,

On August 2, 2002, the Washington Utilities and Transportation Commission ("WUTC") informally requested comment on the differences between the WUTC proposed Customer Proprietary Network Information ("CPNI") rules and the recent CPNI rule revisions adopted by the Federal Communications Commission ("FCC") on July 16, 2002. The FCC rule revisions can be summarized as follows:

1. Allow the use of CPNI by carriers or disclosure to their affiliated entities providing communications-related services, as well as third-party agents and joint venture partners providing communications-related services, with a customer's knowing consent in the form of notice and "opt-out" approval.<sup>1</sup>
2. Allow the disclosure of CPNI to unrelated third parties or to carrier affiliates that do not provide communications-related services, with express customer consent, described as "opt-in" approval.<sup>2</sup>

<sup>1</sup> See FCC 02-214 Third Report and Order and Third Further Notice of Proposed Rulemaking adopted July 16, 2002, page 4, ¶2.

<sup>2</sup> *Id.*

3. Further refine the rules governing the process by which carriers provide notification to customers of their CPNI rights; specifically the form, content and frequency of carrier notices.<sup>3</sup>

The differences between the WUTC proposed CPNI rules and the FCC CPNI rules can be summarized as follows:

1. The FCC rules continue to allow for the use of CPNI by carriers, affiliates and joint venture partners without customer approval within the service category from which the information was derived. Proposed WACs 480-120-203, -206 and -207 restrict the use of call detail information and require opt-out notice before such use.
2. The FCC rules allow for the use of CPNI, which includes call detail, by affiliate providers, as well as third-party agents and joint venture partners, with a customer's knowing consent in the form of notice and "opt-out" approval, for communications-related services. Proposed WAC 480-120-206 restricts the use of call detail information absent opt-in approval. Proposed WACs 480-120-206 and -207 do not allow for use of CPNI by joint venture partners.
3. The FCC rules do not include the following proposed WAC 480-120-207 subsection opt-out notice obligations: (3), (5)(a), (b), (c), (d), (e), (f), and (7) and the FCC rules require notice every two years. Proposed WAC 480-120-207(2) requires annual notice.
4. The FCC rules allow carriers more flexibility to determine what types of opt-in notices best suit their customers' needs. Proposed WAC 480-120-209 requires "written" notice, and other specific notice language not required by FCC rule such as language specific to call detail<sup>4</sup>, each purpose<sup>5</sup> and other general provisions.<sup>6</sup>

<sup>3</sup> *Id.*, page 4, ¶3 and Appendix B - Final Rules, § 64.2008 Notice Required for Use of CPNI.

<sup>4</sup> Proposed WAC 480-120-209 (3) requires written notice and (3)(c) includes the requirement to seek explicit approval to use, disclose, or permit access to call detail information. This requirement for notice and explicit approval prior to use, disclosure or access to call detail information exceeds the obligations contained in the existing WUTC CPNI rules as well as the existing and modified FCC CPNI rules. WAC 480-120-209 (3)(c) also requires the notice to specify that private account information includes the telephone numbers of all calls made or received by the customer. As Qwest has previously stated, it does not record all local telephone numbers of all calls made or received by the customer.

<sup>5</sup> Proposed WAC 480-120-209 (3)(e) requires the notice to describe "each purpose" for which private account information can be used, disclosed or accessed.

<sup>6</sup> Proposed WAC 480-120-209 (3)(f) requires the notice to include language that informs the customer that approval is voluntary. 480-120-209 (3)(g) requires the notice to include language that informs the customer that deciding not to approve will not affect the provision of any services to which the customer subscribes. WAC 480-120-209 (3)(i) requires the notice be in twelve-point or larger type. WAC 480-120-209 (3)(m) requires the notice to state that any approval may be revoked or limited at any time. 480-120-209(3)(n) requires the notice to state that the customer should expect to receive written confirmation within thirty days and suggest that the customer call the company if the confirmation is not received by this time.

5. The FCC rules prescribe specific joint venture/contractor safeguards.<sup>7</sup>
6. The FCC rules address e-mail requirements and more general requirements and do not include the mechanisms for opting-out as proposed at WAC 480-120-208(2) and (3).<sup>8</sup>
7. The FCC rules do not require written notice of a customers CPNI election or a change of such an election as is required in proposed WAC 480-120-207(5)(e), -209(3)(n), and -211.

Qwest respectfully requests the Commission modify its existing CPNI rules in a manner that adopts the recent FCC CPNI rule revisions and vacate the previously proposed WUTC April 5, 2002 draft CPNI rules. The proposed WUTC April 2002 draft rules are:

- more restrictive than the existing WUTC and FCC rules;
- require additional unnecessary information, notices and notice options which will increase costs to Washington subscribers; and
- contain proposed provisions that may ultimately reduce carrier revenues.

Qwest respectfully requests the WUTC refrain from imposing new, unnecessary costs on carriers or from reducing potential revenues necessary to offset the costs of universal service particularly when all telecommunications providers are reducing or eliminating non-service affecting costs in light of the current economic situation.

The FCC has stated that their rule revisions "carefully balance carriers' First Amendment rights and consumers' privacy interests so as to permit carrier flexibility in their communications with their customers while providing the level of protection to consumers' privacy interests that Congress envisioned under section 222."<sup>9</sup> The WUTC should adopt rules that balance these interests as well. The FCC record did not produce empirical evidence that the privacy interest for intra-carrier CPNI disclosure was substantial given companies' intended uses of the information.<sup>10</sup> In fact, the FCC stated that carriers "demonstrated on the record that use of CPNI to develop such target offerings can lower costs and improve the effectiveness of customer solicitations."<sup>11</sup>

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<sup>7</sup> See FCC 02-214 Third Report and Order and Third Further Notice of Proposed Rulemaking adopted July 16, 2002, page 23, ¶ 47.

<sup>8</sup> See *Id.*, Appendix B - Final Rules, § 64.2008 Notice Required for Use of CPNI, (d)(3).

<sup>9</sup> See *Id.*, page 3, ¶1. Qwest does not concede that the FCC rules are lawful.

<sup>10</sup> See *Id.*, Separate Statement of Chairman Michael K. Powell, who stated that the FCC was "severely constrained by the court's overt skepticism that the record supporting our prior order lacked the empirical support necessary to justify in this instance the intrusion on carriers' commercial speech interests. The court demanded, if requiring opt-in consent were to withstand a second appeal, that the record provide more persuasive empirical evidence that the privacy interest for intracarrier CPNI disclosure is substantial given companies' intended uses of this information. Yet, despite the laudable efforts of the parties to generate such an empirical record, not to mention our own efforts, no more persuasive evidence emerged that would satisfy the high constitutional bar set by the court."

<sup>11</sup> *Id.*, page 20, ¶41.

The record in the state of Washington is less detailed than the FCC record and does not include empirical evidence or information beyond that most recently considered by the FCC. Therefore, it is appropriate that the Commission modify its existing CPNI rules to mirror those adopted by the FCC on July 16, 2002. Attached is a legislative format version of the existing WUTC rules that includes the FCC rule revisions. Qwest does not propose revisions to the WUTC proposed April 2002 rules since they require significant revision for consistency with the FCC CPNI rules.

Qwest continues to appreciate your careful consideration of this matter. I look forward to further discussion on this important subject.

Very truly yours,

*Theresa A. Jensen*

cc: Chairwoman Marilyn Showalter  
Commissioner Richard Hemstad  
Commissioner Patrick Oshie

**WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI) without customer approval.**

(1) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same carrier, without customer approval.

(a) If a telecommunications carrier provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

(b) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI among the carrier's affiliated entities, except as provided in 480-120-152 (2).

(2) A telecommunications carrier may not use, disclose or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe to from that carrier, unless the carrier has customer approval to do so, except as described in subsection (3) of this section.

(a) A telecommunications carrier may ~~not~~ use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, protocol conversion and Internet access services. For example, a carrier may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice mail service.

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange carrier may not use local service CPNI to track all customers who call local service competitors.

~~(c) A telecommunications carrier may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.~~

(3) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this subsection.

(a) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) CMRS (wireless telecommunications service) providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(c) Local exchange companies and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

(d) A telecommunications carrier may use, disclose, or permit access to CPNI to protect the rights or property of the carrier, or to protect users of these services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.



[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-151, filed 2/5/99, effective 3/8/99.]

**WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).**

~~(1) A telecommunications carrier must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that carrier.~~

(2) A telecommunications carrier may obtain approval through written, oral or electronic methods.

(3a) A telecommunications carrier relying on oral approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rules in this part.

~~(4b) Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a telecommunications carrier for the use of CPNI outside of the customer's total service relationship with the carrier must remain in effect until the customer revokes or limits such approval, so long as the carrier maintains the records of customer notification and approval required in this rule, or disapproval.~~

(5c) A telecommunications carrier must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

(2) Use of Opt-Out and Opt-In Approval Processes.

(a) A telecommunications carrier may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. A telecommunications carrier may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer, to:

(i) its agents,

(ii) its affiliates that provide communications-related services, and

(iii) its joint venture partners and independent contractors.

A telecommunications carrier may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth below in paragraph (b) of this subsection (2).

(b) Joint Venture/Contractor Safeguards. A telecommunications carrier that discloses or provides access to CPNI to its joint venture partners or independent contractors shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

(i) require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;

(ii) disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law;

(iii) require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

(c) Except for use and disclosure of CPNI that is permitted without customer approval under section 480-120-151, or that is described in paragraph (a) of this section, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, a telecommunications carrier may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

(63) Notification, Generally.

(a) Prior to any solicitation for customer approval, a telecommunications carrier must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(ab) A telecommunications carrier must maintain records of ~~may provide notification, whether through oral, or written or electronic for a least one year methods.~~

(4) Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

(b5) Content of Notice. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the carrier a duty, under federal and state law, to protect the confidentiality of CPNI.

(ii) The notification must specify the types of information that constitute CPNI and the specific entities that will receive CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, carriers may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(iv) The notification must be comprehensible and must not be misleading.

(v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.

(vi) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(vii) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that the customer upon affirmative written request may compel the carrier to disclose CPNI to any person.

(viii) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

(ix) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that carrier is valid until the customer affirmatively revokes or limits the approval or denial.

~~(7x)~~ A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

(6) Notice Requirements Specific to Opt-Out. A telecommunications carrier must provide notification to obtain opt-out approval through electronic or written methods, but not by oral

communication (except as provided in paragraph (8) of this section). The contents of any such notification must comply with the requirements of subsection (5) of this section.

(a) Carriers must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A carrier may, in its discretion, provide for a longer period. Carriers must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent.

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(b) Carriers using the opt-out mechanism must provide notices to their customers every two years.

(c) Telecommunications carriers that use e-mail to provide opt-out notices must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) carriers must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;

(ii) carriers must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) opt-out e-mail notices that are returned to the carrier as undeliverable must be sent to the customer in another form before carriers may consider the customer to have received notice;

(iv) carriers that use e-mail to send CPNI notices must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail.

(d) Telecommunications carriers must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Carriers may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

(7) *Notice Requirements Specific to Opt-In.* A telecommunications carrier may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of subsection (5) of this section.

(8) *Notice Requirements Specific to One-Time Use of CPNI.* Carriers may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval based on the nature of the contact.

(a) The contents of any such notification must comply with the requirements of subsection (5) of this section, except that telecommunications carriers may omit any of the following notice provisions if not relevant to the limited use for which the carrier seeks CPNI:

(i) carriers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election.

(ii) carriers need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party.



(8) Notice Requirements Specific to One-Time Use of CPNI. Carriers may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval based on the nature of the contact.

(a) The contents of any such notification must comply with the requirements of subsection (5) of this section, except that telecommunications carriers may omit any of the following notice provisions if not relevant to the limited use for which the carrier seeks CPNI:

(i) carriers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election.

(ii) carriers need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party.

(iii) carriers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as carriers explain to customers that the scope of the approval the carrier seeks is limited to one-time use.

(iv) carriers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the carrier clearly communicates that the customer can deny access to his CPNI for the call.

~~(8) A telecommunications carrier's solicitation for approval, if written, must not be a document separate from the notification, even if both documents are included within the same envelope or package.~~

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-152, filed 2/5/99, effective 3/8/99.]

**WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).**

(1) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to use of CPNI.

(2) Telecommunications carriers must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and carriers must ~~implement~~ have an express disciplinary process in place to deal with violations of the requirement.

(3) All carriers shall maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. All carriers shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Carriers shall retain the record for a minimum of one year.

(4) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with rules governing outbound marketing situations and must maintain records of carrier compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(5) A telecommunications carrier must have a corporate officer, as an agent of the carrier, sign a compliance certificate on an annual basis that the officer has personal

knowledge that the carrier is in compliance with the rules of this subpart. A statement explaining how the carrier is in compliance with the rules in this subpart must accompany the certificate.

(6) Carriers must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(a) The notice shall be in the form of a letter, and shall include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(b) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-153, filed 2/5/99, effective 3/8/99.]

#### **WAC 480-120-154 Definitions.**

For purposes of WAC 480-120-151 through 480-120-154, terms have the following meaning:

(1) Affiliate. An affiliate is an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity. For purposes of this paragraph, the term "own" means to own an equity interest (or the equivalent thereof) of more than 10 percent.

~~(2) Customer. A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.~~

(32) Commercial mobile radio service (CMRS). Commercial mobile radio service means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

(3) Communications-related services. The term "communications-related services" means telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision or maintenance of customer premises equipment.

~~(4) Customer. A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.~~

(45) Customer proprietary network information (CPNI). Customer proprietary network information (CPNI) is:

(a) Information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship; and

(b) Information contained in a customer's bill pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. Customer proprietary network information does not include subscriber list information.

(56) Customer premises equipment (CPE). Customer premises equipment (CPE) is equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(67) Information services typically provided by telecommunications carriers. The phrase "information services typically provided by telecommunications carriers" means only those information services (as defined in section 3(20) of the Communications Act of 1934, as amended, 47 U.S.C. § 153(2)) that are typically provided by telecommunications carriers, such as Internet access or voice mail services. Such phrase "information services typically provided by telecommunications carriers," as used in this subpart, shall not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services may otherwise be considered to be information services, ~~is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.~~

(78) Local exchange carrier (LEC). A local exchange carrier (LEC) is any person that is engaged in the provision of telephone exchange service or exchange access. For purposes of these rules, the term does not include a person insofar as such person is engaged in the provision of commercial mobile service under 47 U.S.C. 332(e).

(9) Opt-in approval. The term "opt-in approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the carrier obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the carrier's request consistent with the requirements set forth in this subpart.

(10) Opt-out approval. The term "opt-out approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the waiting period described in section 64.2009(d)(1) of this subpart, after the customer is provided appropriate notification of the carrier's request for consent consistent with the rules in this subpart.

(811) Subscriber list information (SLI). Subscriber list information (SLI) is any information:

(a) Identifying the listed names of subscribers of a carrier and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(912) Telecommunications carrier or carrier. A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226 (a)(2)). The definition of telecommunications carrier for purposes of these rules does not include

CMRS providers, except as a substitute for wire line telecommunications in locations where wire line services are not available.

(13) Telecommunications service. The term "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-154, filed 2/5/99, effective 3/8/99.]