

APPENDIX B

Docket No. UT-990146

	PROPOSED RULE SECTIONS	DIFFERENCE BETWEEN PROPOSED AND ADOPTED RULE	EXPLANATION OF CHANGE	INDEX TO COMMENTS IN APPENDIX A
1.	480-120-201 Definitions	Sec. 201 – Definitions. The definition section has changed by: 1) Addition of definition of “Associated company;” 2) Change to call detail definition; 3) Change to CPNI definition; 4) Adds definition for data base management system (DBMS) 5) Addition of definition for individually identifiable CPNI; 6) Change to private account information definition; and 7) elimination of definition of “Telecommunications related products and services.”	<p>Proposed rule contains a definition of associated company that replaces the use of the phrase “any entity under common control of or with the telecommunications company.”</p> <p>The definition of call detail has been changed to clarify that subsection (d) applies to information associated with a specific individual.</p> <p>The definition of CPNI was changed by the elimination of the phrase “which includes information obtained by the company for the provision of telecommunications service.” Subsection (c) was added and lists the three components of CPNI.</p> <p>A definition for data base management system (DBMS) is included. It defines the type of DBMS used in enhanced 9-1-1.</p> <p>A definition of individually identifiable CPNI was added (I-CPNI).</p> <p>The definition of “private account information” was changed by removing call detail.</p> <p>The definition of “Telecommunications related products and services” is deleted because the phrase no longer appears in the remaining rules.</p>	See Appendix A, pages 1 and 2.
2.	480-120-202 Use of Customer Proprietary Network Information Permitted.	Withdrawn.		See appendix A, page 3.

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3.	480-120-203 Using a customer's call detail information.	Sec. 203 in the proposed rules required opt in approval before use, disclosure or access to call detail. It provided for circumstances when approval was not required, e.g., to bill and collect.	In the adopted rule, opt-in approval for call detail is addressed in Sec. 204.	Opt-in and opt-out approval are addressed in the order.
4.	Not in proposed rules.	Not in proposed rules	Sec. 203 in the adopted rules is taken from the FCC rules on CPNI and it prohibits one company from using CPNI to identify or track customers that call a competing company.	No comments.
5.	480-120-204 Using private account information in the provision of services.	This section in the proposed rules concerned those circumstances when no approval is necessary in order to undertake those actions normally required to operate a telephone network, or actions required by law. In the adopted rules, this material is expanded and is in Sec. 205.	The changes are found in Sec. 205 of the adopted rules, and include permission to provide customer premise equipment (CPE) and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion, and permission to provide call location information concerning the user of a commercial mobile service, as the term is defined in 47 U.S.C. § 222(d).	See Appendix A, pages 2 and 3-4.
6.	480-120-205 Using private account information during an inbound call.	This section in the proposed rules permitted use, disclosure, and access to private account information during inbound telemarketing call after express approval from the customer.	This topic is covered in Sec. 206 of the adopted rules. It permits only use of PAI and I-CPNI during both inbound and outbound telemarketing calls. Notice is required for outbound telemarketing calls. Express approval is required for in and outbound telemarketing calls unless approval secured prior to the call. If needed, approval must be recorded during outbound calls.	See Appendix A, pages 3-4.

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7.	480-120-206 Using private account information for marketing telecommunications-related products and services and other products and services.	In proposed rule this section permitted use, but not disclosure or access, of private account information after notice and an opportunity to opt out.	In the adopted rules, use of private account information is addressed in Sec. 207. Use, but not disclosure or access, is permitted after notice and an opportunity to opt out.	No comments.
8.	Not in proposed rules.	Not in proposed rules.	Sec. 208 of the adopted rules permits companies to use, but not disclose or permit access, to private account information without notice or customer approval to market telecommunications products or services related to service already provided to a customer. The information may also be shared with associated companies that also provide service to the customer.	See Appendix A, pages 4-5.

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9.	480-120-207 Notice when use of private account information is permitted unless a customer directs otherwise (“opt-out”).		This topic is covered in Sec. 209 of the adopted rules. The requirement for annual opt-out notices has been changed to once every two years. The requirement to inform customers that telemarketers may have access to name and address and telephone number has been revised so that it does not imply that companies necessarily provide the information to telemarketers. The adopted rule also requires companies that seek opt-out approval to inform customers, if true, that the company has been using some private account information without having provided notice or seeking approval (See adopted WAC 480-120-208).	See Appendix A, pages 5-10..
10.	480-120-208 Mechanisms for opting out of use of private customer account information.	The proposed rule required multiple methods for opt-ing out.	Sec. 211 of the adopted rule addresses opt-out mechanism. No change was made.	See Appendix A, pages 6-7, 10-11.
11.	480-120-209 Notice when explicit (“opt-in”) approval is required and mechanisms for explicit approval.	In the proposed rules, this section prescribed the notice necessary when a company seeks opt-in approval. It included a chart that described the various approval requirements based upon the type of information and use to which it would be put.	In the adopted rules, this is addressed in Sec. 212. One substantive change is the adopted rule permits a description of the general, rather than all, purposes for which I-CPNI information may be used. The adopted rules also requires companies that seek opt-out approval to inform customers, if true, that the company has been using some private account information without having provided notice or seeking approval (See adopted WAC 480-120-208). The chart has been revised to reflect the adopted rules.	See Appendix A, pages 6-10.

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12.	NOTE: Section number 480-120-210 has been used and repealed previously. It was not available for use in either the proposed or adopted rules.			
13.	480-120-211 Confirming change in approval status.	The proposed rule required written confirmation of a change in opt-in or opt-out approval status and required companies to not act on an opt-in approval status change until 21 days after the confirmation is sent.	The adopted rule on this topic is Sec. 213. Included is an exception to the confirmation requirement when the notice is given during telemarketing call. There is also an exception to the confirmation and waiting-period requirement when the customer requests the customer's own CPNI from the company.	See Appendix A, pages 9, and 12-14.
14.	480-120-212 Duration of customer approval or disapproval.	The rule states that a customer directive remains in effect until the customer revokes, modifies, or limits the directive.	The adopted rule is Sec. 214, and there is no change.	See Appendix A, pages 6-10, and 12.
15.	480-120-213 Safeguards required for using private account information.	The proposed rule requires companies to have in place certain safeguards to insure the confidentiality of CPNI is maintained in accordance with the rules. Included are a staff training requirement, a supervisory review process, and filing a compliance certificate.	The adopted rule is in Sec. 215, and there is no substantive change.	See Appendix A, page 14.
16.	480-120-214 Disclosing customer proprietary network information.	Companies must disclose customer CPNI upon written request of a customer.	The adopted rule is in Sec. 216, and there is no substantive change.	No comments.
17.	480-120-215 Using privacy listings for telephone solicitation.	The proposed rule limits company solicitation of customers with nonpublished or unlisted numbers. Companies must provide a means to request that they not be solicited, and inform customers that they may decline a telephone solicitation.	The adopted rule is in Sec. 217, and there is no substantive change.	See Appendix A, page 15.

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18.	480-120-216 Using subscriber list information for purposes other than directory publishing.	The proposed rule restricted the use or disclosure of subscriber line information of customers who have nonpublished and unlisted numbers.	The adopted rule is Sec. 218, and there is no substantive change.	No comment.