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June 08, 2006

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504-7250

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COMMUNICATIONS SECTION

Dear Ms. Washburn:

Re: Docket No. UT-060856

In the above-referenced docket, the Washington Utilities and Transportation Commission received a request that it open an investigation into whether telecommunications companies subject to its regulation were engaged in a practice of sharing customer proprietary network information (CPNI) in a general sense with national security agencies in a manner that may be in violation of CPNI rules. The purpose of this letter is to request that if such an investigation is opened, the Commission not include the WITA member companies.¹

This issue has received a fairly high degree of notoriety in the national and local press. As a result, WITA has polled each of its member companies. WITA can report to the Commission that none of the WITA members has engaged in a practice of sharing CPNI with national or other security agencies on a general basis.²

¹ WITA's members are as follows: Asotin Telephone Company, CenturyTel of Washington, CenturyTel of Inter-Island, CenturyTel of Cowiche, Ellensburg Telephone Company, Hat Island Telephone Company, Hood Canal Telephone Co., Inc., Inland Telephone Company, Kalama Telephone Company, Lewis River Telephone Company, Inc., Mashell Telecom, Inc., McDaniel Telephone Co., Pend Oreille Telephone Company, Pioneer Telephone Company, St. John Co-operative Telephone and Telegraph Company, Tenino Telephone Company, The Toledo Telephone Co., Inc., Western Wahkiakum County Telephone Company, Whidbey Telephone Company and YCOM Networks, Inc.

² Because of changes of personnel over time and the long history of many of the WITA member companies, WITA cannot represent that sharing of CPNI with security agencies in the absence of a subpoena, court order or other compulsory process has never occurred in the past. However, in each case, an appropriate company official, often the President or General Manager, could not recall any such instance and confirmed that such sharing is not company policy. In addition, the companies do supply information in connection with 9-1-1 service and may, in some instances in the absence of a subpoena, court order or other compulsory process, provide information regarding the identity of the customer or the service address in response to a law enforcement request, where a law enforcement officer represents that such information is essential to mitigating an imminent threat to life or property, such as providing a service address associated with a known telephone number in the context of an on-going kidnapping or threatened suicide.

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WITA's members do provide responses to lawfully issued and served subpoenas, court orders or other compulsory process related to specific investigations or where customer consent has been specifically granted.

For example, a WITA member may receive a request for information through a lawfully issued and served subpoena for a certain customer's CPNI related to a specific drug trafficking investigation that is underway. Another instance in which WITA members will respond with CPNI is where there is a lawfully issued and served subpoena related to child support enforcement matters. Thus, except as set forth in note 2 above, it is only in the case of validly issued subpoenas, court orders or other compulsory process or where specific customer consent has been obtained that such CPNI is provided.

WITA thanks the Commission for its attention to the information provided in this letter.

Sincerely,



Terrence Stapleton
Executive Vice President

cc: Mark Sidran, Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner
WITA Members