



Joyce Beasley
General Attorney

Room 3258D2
295 North Maple Avenue
Basking Ridge, NJ 07920
908 221-6502
FAX 908 953-8360

May 13, 1996

Connie E. Nicholas
Attorney
GTE Telephone Operations
600 Hidden Ridge
HQEO3H44
P. O. Box 152092
Irving, TX 75015-2092

Dear Connie:

Enclosed is a revised issue statement regarding the use of the blanket letter of authorization process. I will be in the office until after noon on Tuesday if you would like to make further revisions prior to our meeting on Wednesday.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joyce Beasley".

Joyce Beasley
General Attorney

Attachment

AGBR 000093

000410

Revised May 13, 1996
Statement of Positions of AT&T and GTE

ISSUE: Does Section 702 of the Telecommunications Act of 1996 prohibit the use of a blanket letter of authorization process?

GTE Position:

Section 702 prohibits one carrier sharing customer specific information as defined in the Act with another carrier except upon specific written authorization by the customer. GTE relies upon the provisions of Section 222(c)2 for its position that written authorization is required. GTE believes that the exceptions in subsection (d) apply only to use of CPNI by a carrier for that carrier's own telecommunications services.

AT&T Position:

As a threshold matter, while Section 222(c)(2) requires a carrier to disclose CPNI "upon affirmative written request by the customer, to any person designated by the customer," Section 222(c)(1) independently allows a carrier to disclose CPNI "with the approval of the customer." Unlike the approval required in Section 222(c)(2), the approval required by Section 222(c)(1) does not need to be in writing.

Nonetheless, for purposes of the transfer and initiation of service, GTE and AT&T need not resolve this issue. The exemptions in Section 222(d) permit the use of the blanket letter of authorization procedure without further customer approval. Specifically, Section 222(d)1 makes explicit that nothing in Section 222 prohibits a carrier "from using, disclosing, or permitting access to" CPNI "to initiate, render, bill, and collect for telecommunications services." The term "telecommunication services" is not limited to the services provided by the carrier holding the customer proprietary network information, and allows for the transfer of CPNI as part of the transfer of service. This exemption therefore, provides protection to the providing carrier against any claim by a customer that provision of information in accordance with Section 222(d)1 is a violation of Section 702.

AT&T proposes to implement the transitioning process pursuant to business agreements between local exchange carriers. The agreements would include a letter of authorization. The AT&T proposed letter of authorization is attached. The proposed letter also includes indemnification language to protect the carrier providing the information. AT&T's proposal is based upon the FCC's Part 64 rules for carrier selection.