

WORKSHOP QUESTIONS

CUSTOMER INFORMATION

(March 14, 2002)

The Commission will hold a workshop beginning at 1:30 p.m. on Thursday, March 14, 2002, on the topics of customer information and draft rules concerning customer information. The draft rules were posted on the Commission's website on February 14, 2002, and may be found at <<http://www.wutc.wa.gov/990146>>. The notice of this workshop may be found at the same web address. The notice told you that this list of discussion questions would be posted on the Commission's web site on March 6.

The purpose of these workshop questions is to provide a framework for the workshop discussion. The workshop is being held, in part, at the request of a telecommunications company. The Commission has received many comments on this topic from customers, but very few from telecommunications companies. Certain questions on this list are directed to the telecommunications companies. Others are directed to all who will answer them--these perspectives are equally important to the Commission. Also please note these questions are not intended to create any limits on the discussion.

Thank you in advance for your participation in this workshop. We look forward to hearing your ideas.

Relationship--General

Federal law, 47 U.S.C. § 222, refers to the carrier-customer relationship. Does your company consider this relationship a commercial relationship? How was it established? What limits define the relationship?

Customers have relationships with companies that provide more than one category of telecommunications service (e.g. basic service, long distance service, wireless service, special access). If a customer takes basic service from a company that offers other categories of service, what relationship does the customer have to the remainder of the company? Its affiliates?

What relationship does a customer have with a "marketing partner" of a telecommunications company? When is that relationship established? Can the customer request that she not be in a relationship with the marketing partner? How would that happen and what would that mean?

Do customers expect confidentiality (non-disclosure of account information) to be a part of the relationship?

What role should the Commission play in defining the customer-carrier relationship? How and when should it do this?

Information - General

Federal law contains a definition of customer proprietary network information (CPNI) in 47 U.S.C. § 222. CPNI means (A) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term [CPNI] does not include subscriber list information.

What information do telecommunications companies possess with respect to individual customers? What information is required from customers in order for customers to establish service? Is any of this information CPNI?

What information is not CPNI? Do companies retain that information for other purposes or disclose it for other purposes?

Is the record of a call CPNI? Is it individually identifiable with a customer?

Does a call record contain individually identifiable information about the person receiving a call?

Do companies, in the ordinary course of business, record call detail information about a customer's local calling? If so, do companies retain this information? Use, disclose, or permit access to it?

Information – Current Uses, Marketing

How do companies utilize information they possess with respect to particular customers? To verify creditworthiness? For collections? For sale to third parties such as marketers of products or services other than those offered by the company itself? For sale to or sharing with affiliates who offer other types of telecommunications services?

How do companies currently use information that might meet the definition of individually identifiable CPNI in their own marketing efforts, if at all?

If there were no restrictions whatsoever on companies' use of information about individual customers, what would companies find most useful in enabling them to effectively market additional telecommunications service to their customers? Why?

Would your company refuse a sale if the customer, at the outset of the relationship, asked that information related to the sale remain confidential and not be used to market other goods and services to her?

Information - Ownership, Use and Disclosure

Do telecommunications companies have an ownership interest in information given to them by customers? What action by customers conveys this interest? Could customers limit the interest conveyed?

When a customer dials a telephone number, does that provide information? Is the information provided the subject of Chapter 9.73 RCW? What may telecommunications companies do with that information under Chapter 9.73? What may they not do with it?

Many business relationships contain non-disclosure agreements. If you represent a company or companies, is your company a party to any agreements that include non-disclosure agreements? What types of information are covered in such agreements?

Is a call record owned by the carrier that makes the record, or did Congress define records as individually identifiable customer proprietary network information?

Services - Defined and Purchased

What are telecommunications services? Is voice mail a telecommunications service? Is marketing?

When customers pay for service, are they purchasing telecommunications service? Are they purchasing other services? Are those listed on their bill?

Approval

If a company takes business records that include customer information necessary for the establishment, provision, or billing for telecommunications, and provides those records to the section of the company responsible for marketing and advertising products and services, is that use, disclosure or access to customer information?

When customers request service, should they be asked to approve the use, disclosure or permission for access to her customer information?

Opt-In and Opt-Out Mechanisms

Would the opt-out mechanisms proposed in draft 480-120-208 be sufficient to insure that all customers have an opportunity to opt-out?

The proposed rules state that opt-in and opt-out decisions will remain effective until changed by the customer. Is that the appropriate duration?

If companies want to use customer account information unrelated to call detail to better market additional services, should the Commission require companies to offer customers an opportunity to place their name on the companies "do not call" list at the same time they offer opt-out?

Confirmation

Will confirmation assist customers and companies in detecting errors in implementation of opt-in and opt-out decisions? Is it important to detect errors in the opt-out and opt-in process?

Are there alternate methods of providing confirmation that could be incorporated with other activities (e.g. billing) and still provide timely information that would permit a customer to correct an error?