

Resolution Supporting Congressional Hearings on Privacy and the Telephone Call Privacy Act of 1999.

WHEREAS, Customer Proprietary Network Information (CPNI) is information collected by telephone companies to help them document a consumer's calling patterns, including their business and personal relationships, and their work habits and schedules; and

WHEREAS, Surveys indicate that consumers do not want their personal and professional calling trends used by their telephone companies for marketing purposes; and

WHEREAS, Last August, the Tenth Circuit court struck down the FCC's regulations protecting consumer privacy and, in response, NARUC filed an *amicus* brief supporting the FCC's constitutional arguments on rehearing, and subsequently, last November, adopted a resolution condemning the 10th Circuit's order for restricting States from protecting their own citizens' Customer Proprietary Network Information from unauthorized use; and

WHEREAS, On November 3rd, 1999, Senator John Edwards (D-NC), in response to the 10th Circuit's decision, introduced S. 1850, the Telephone Call Privacy Act of 1999, which seeks to prevent telecommunications companies from using an individual's personal phone call records without their consent for commercial marketing purposes; and

WHEREAS, Senator Edwards, recognizing the critical role State commissions play in protecting privacy in the context of regulated utilities, has actively engaged NARUC and its

members on ways to improve his legislation, and, personally appeared at NARUC's winter meetings to discuss the need for privacy legislation; and

WHEREAS, NARUC agrees the 10th Circuit decision raises critical concerns about State and Federal agency authority to protect consumer privacy and supports efforts by State and federal utility regulators to safeguard consumer's private calling information and prevent its anti-competitive use; and

WHEREAS, Senator Edwards during his presentation to NARUC suggested that holding congressional hearings on privacy concerns and his legislation are a desirable prerequisite to advance congressional awareness of the issues; and

WHEREAS, NARUC believes that State representation in any such hearings would illuminate the issues raised by the 10th Circuit Case and addressed by the Senator's proposed legislation; and

WHEREAS, NARUC looks forward to a continuing dialogue with Senator Edwards on his privacy legislation to, among other things, address the impact of such legislation on existing more rigorous State privacy protections and its two-tiered approach to assuring an informed consumer choice to allow release or use of that consumer's CPNI; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Commissioners, convened in its March 2000 Winter Meetings in Washington, D.C., commends Senator Edwards for engaging NARUC on this critical issue and supports Congressional hearings on privacy and Senator

Edwards proposed legislation, S. 1850.

Sponsored by the Committee on Consumer Affairs

Adopted by the NARUC Board of Directors, March 8, 2000.