
HOUSE BILL 3208

State of Washington 59th Legislature 2006 Regular Session

By Representatives P. Sullivan, Simpson, Wallace and Ericks

Read first time 01/25/2006. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to protecting customer proprietary network
2 information; amending RCW 80.66.010; adding a new section to chapter
3 80.36 RCW; adding a new section to chapter 9.73 RCW; and prescribing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36 RCW
7 to read as follows:

8 (1) The commission must adopt rules to protect the privacy of
9 customers of telecommunications services by limiting or prohibiting the
10 sale, disclosure, or use of customer proprietary network information
11 without customer approval and requiring that telecommunications
12 companies establish safeguards to protect customer proprietary network
13 information from the unauthorized sale, use, or disclosure by agents,
14 contractors, and employees. For purposes of this subsection, "customer
15 proprietary network information" has the meaning provided in 47 U.S.C.
16 222(h)(1).

17 (2) Any person who violates the rules adopted by the commission in
18 compliance with this section is subject to a penalty of not more than

1 one thousand dollars for each and every offense. In the case of a
2 continuing offense, every day's continuance is a separate offense.

3 (3) The rules adopted by the commission under this section are
4 matters vitally affecting the public interest for the purpose of
5 applying the consumer protection act, chapter 19.86 RCW. A violation
6 of this chapter is not reasonable in relation to the development and
7 preservation of business and is an unfair or deceptive act in trade or
8 commerce and an unfair method of competition for the purpose of
9 applying the consumer protection act, chapter 19.86 RCW. It is
10 presumed that damages to the customer are five hundred dollars.

11 **Sec. 2.** RCW 80.66.010 and 1985 c 167 s 2 are each amended to read
12 as follows:

13 The commission shall not regulate radio communications service
14 companies, except that:

15 (1) The commission may regulate the rates, services, facilities,
16 and practices of radio communications service companies, within a
17 geographic service area or a portion of a geographic service area in
18 which it is authorized to operate by the federal communications
19 commission if it is the only provider of basic telecommunications
20 service within such geographic service area or such portion of a
21 geographic service area. For purposes of this section, "basic
22 telecommunications service" means voice grade, local exchange
23 telecommunications service.

24 (2) Actions or transactions of radio communications service
25 companies that are not regulated pursuant to subsection (1) of this
26 section shall not be deemed actions or transactions otherwise
27 permitted, prohibited, or regulated by the commission for purposes of
28 RCW 19.86.170.

29 (3) Radio communications service companies shall file with the
30 commission copies of all agreements with any of their affiliated
31 interests as defined in RCW 80.16.010, showing the rates, tolls,
32 rentals, contracts, and charges of such affiliated interest for
33 services rendered and equipment and facilities supplied to the radio
34 communications service company, except that such agreements need not be
35 filed where the services rendered and equipment and facilities supplied
36 are provided by the affiliated interest under a tariff or price list
37 filed with the commission.

1 (4) Radio communications companies are subject to customer privacy
2 rules adopted by the commission in compliance with section 1 of this
3 act.

4 NEW SECTION. Sec. 3. A new section is added to chapter 9.73 RCW
5 to read as follows:

6 (1) Every person who obtains or attempts to obtain knowledge of the
7 telephone numbers called by a customer of a telecommunications carrier
8 by misrepresenting his or her identity, or in some other manner
9 attempting to cause an employee or agent of such carrier to wrongfully
10 disclose such information is guilty of a gross misdemeanor.

11 (2) Every employee, contractor, or agent of a telecommunications
12 carrier who wrongfully and knowingly discloses to another person the
13 telephone numbers called by a customer of a carrier is guilty of a
14 gross misdemeanor.

15 (3) Every person trafficking in information that he or she knows to
16 have been obtained in violation of this section is guilty of a gross
17 misdemeanor.

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