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SPECIAL BULLETIN

CPNI Certifications *Not Required*

For some rare good regulatory news, the annual CPNI certifications required in the past pursuant to part 64.2009 of the FCC's rules are no longer required. When the FCC adopted its broadband privacy rules last November, the new requirements basically enhanced existing CPNI rules. One of the rules changes was to eliminate the need to annually certify compliance with CPNI rules (see [Public Notice](#), p. 2). Once the Broadband Privacy Order became effective, which it did on January 3, 2017, the FCC rule requiring the annual CPNI certifications was removed.

Of course, and as outlined most recently in the December 21, 2016 Special Bulletin, there are new rules with which companies must comply and that, in large part, replace the prior CPNI rules. For small carriers, there is a phase-in process for most of these rules, with the next group being those related to data security (March 2, 2017 effective date). During the pendency of the transition, however, carriers subject to the prior CPNI rules are to comply with the substance of those rules until the new rules are in effect: for example, the customer approval and notice requirements related to the old CPNI rules should still be followed until the new rules take affect (the earliest date for small carriers is December 4, 2018).

New FCC Chair Pai [opposed](#) the original adoption of the Broadband Privacy rules, and that position, coupled with pressure being put on Congress, may lead to the rules having a short life in the Code of Federal Regulations. What that means for the future of annual CPNI certifications is anyone's guess at this point. But, at least for 2017, it is clear that companies:



DO NOT FILE ANNUAL CPNI CERTIFICATIONS ON MARCH 1.



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Questions? Comments?

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