

SB116 Comments

Phil Maxwell

3 Rivers Communications¹

(406) 590-6299

phil.maxwell@3rivers.coop

Service quality rules (A.R.M. 38.5.3371) require telecommunication providers to have services installed within 5 business days after the request has been made. SB116 would allow consumers to put a freeze on their own credit reports and “prohibits the consumer reporting agency from releasing all or part of the consumer’s credit report or credit score without express authorization from the consumer”. The agency “...shall remove the security freeze with 3 days of receiving a removal request...” The consumer must provide the proper ID and a fee, if applicable.

3 Rivers uses the credit score to determine if a customer deposit will be required for a new customer requesting service that has no credit history. This could cause a delay in providing service on a new customer requesting service beyond the 5 days.

There is some question if the incomplete application rule in SB116 or if the service rules provision that prohibits a violation due to “customer reasons” applies to the start date for the service quality rule requirement. If not, this is concern.

Also, and more importantly, except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains **customer proprietary network information (CPNI)** by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

3 Rivers would suggest that at the very least because of the CPNI requirements telecommunications providers should be exempt from SB116 and be included Section 9 – Exemptions. But would further suggest that because of the concerns of the proposed language, SB116 receive a do not pass.

Language concerns:

- 1) There needs to be a clarification to what happens after the freeze has been lifted. Who is required to be notified and who does the notification, the consumer or the reporting agency or the one requesting the credit information?
- 2) The notice of rights states that if the consumer's right is violated, they have the right to bring civil action against the reporting agency or user of their credit report. If a reporting agency gives out credit information in which a consumer has requested a freeze, can the user of the information be sued, even if the user of the information was not at fault.
- 3) Section 9 subsection (1) lists the exemptions. How does the reporting agency determine if the exemption applies? Who determines if the requesting person represents one of the 11 exemptions (a through k)? How does the agency verify that the requesting person is truly who they say they are or someone trying to defraud someone else? If there is an error, who is at fault, the agency or user, or both (see question 2)?
- 4) Section 9 subsection (2) states "The following entities are exempt from placing a security freeze on a credit report". The SB116 title states that it is for consumers to limit access to their own account, but this section lists entities who are exempt from placing a security freeze on a credit report, whose credit report are they exempt from?

Thank you for your time and 3 Rivers would request that the committee give SB116 a do not pass.

¹ 3 Rivers Communications, with corporate headquarters in Fairfield, MT, was founded in 1953 as a rural telephone cooperative. 3 Rivers has grown and diversified over the years and now offers long distance, local dial-up Internet, DSL broadband Internet, combined wireless broadband and local phone, satellite TV, IPTV, satellite broadband Internet, and competitive local telephone service in addition to traditional local telephone service. They have over 20,000 access lines in over 29 exchanges, from Browning near the Canadian border to Lima near the Idaho border. The service area includes Fort Shaw, Power, Fairfield, Pendroy, Dupuyer, Augusta, East Conrad, Carter, Geysler, Stockett, Raynesford, Browning, Big Sky, Ennis, Harrison, Neihart, Belt, Valier, Choteau, Highwood, Brady, Twin Bridges, Sheridan, Melrose, Lima and Virginia City. Services are provided as a competitive local exchange carrier in Conrad, Shelby, Great Falls and Helena.