



**Testimony of  
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CTIA  
Opposition to North Dakota House Bill 1486  
Before the Senate Industry, Business and Labor Committee**

**March 17, 2021**

Chair Klein, Vice Chair Larsen and Committee Members, on behalf of CTIA®, the trade association for the wireless communications industry, thank you for the opportunity to provide this testimony in opposition to House Bill 1486 dealing with telephone records. HB 1486 is inconsistent with federal law, limits consumer choice, creates unnecessary burdens on consumers and businesses, and unnecessarily expands unaccountable governmental access to citizens' private information.

Wireless carriers' practices are consistent with the Communications Act and the Federal Communications Commission's rules on the sharing and disclosure of Consumer Proprietary Network Information (collectively "CPNI Rules"), a class of data that is very similar in scope to the definition of "telephone record" provided in HB 1486.<sup>1</sup> The CPNI Rules require that a carrier obtain a consumer's opt-in consent before using, disclosing, or accessing the consumer's CPNI data for marketing purposes.<sup>2</sup> That approval may be provided by the consumer orally, in writing, or electronically.<sup>3</sup> The CPNI Rules also govern how a

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<sup>1</sup> CPNI includes the time, date, duration and destination number of each call, the type of network a consumer subscribes to, and any other information that appears on the consumer's telephone bill. See 47 U.S.C. § 222(h)(1).

<sup>2</sup> 47 C.F.R. § 64.2007(a).

<sup>3</sup> 47 C.F.R. § 64.2007(a).



telecommunications carrier must provide notice to its users about its data sharing and disclosure practices relating to CPNI.<sup>4</sup> This federally mandated notice and approval process differs from the process for obtaining a “signed release” as defined in HB 1486, and will cause significant problems for both consumers and businesses as discussed below.

### **HB 1486 Limits Consumer Choice**

First, by mandating a process for obtaining consumer authorization that differs from the CPNI Rules, HB 1486 would provide consumers with ***fewer*** choices in how they can exercise their rights related to disclosing their telephone record information. In particular, while the CPNI Rules provide choice to consumers in how they provide authorization for sharing their data (orally, electronically or in writing), HB 1486 limits consumer choice and convenience. Consumers will no longer be able to provide their authorization in a means that is most convenient and accessible to them and must instead find a way to provide a “signed release.”

This has serious, negative, real-world implications for consumers. For example, consider an elderly parent who wants to provide a son or daughter with authorization to their cell phone account, so they can help their parent manage the account, including by making payments or looking for overcharges or other issues with the account. While both current North Dakota law (and the CPNI Rules) would allow that parent to provide the authorization to the wireless carrier over the phone, the parent must now find a way to provide a “signed

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<sup>4</sup> 47 C.F.R. § 64.2008.



release” to the carrier authorizing this access. Providing this signed release will be a burden for individuals in rural areas, those with reduced access to technology, or those with any reduced mobility or other health concerns. It will also introduce significant delay into the approval process as individuals may be required to mail the release or go to a carrier’s store in order to provide the signed release. In rural areas, this will be especially burdensome, where the store may not be nearby.

#### **HB 1486 Creates Unnecessary Burdens on Businesses**

Second, requiring a “signed release” creates unnecessary burdens on businesses. As discussed, the CPNI Rules already provide consumers with choices related to use of their CPNI – the equivalent of telephone record information – and HB 1486 does not create any additional consumer rights. Businesses have incurred significant costs in developing processes to comply with the CPNI Rules, including processes for sending, receiving, verifying and storing consumers’ consents. If H.B. 1486 were passed, carriers would need to incur additional costs associated with developing new processes related to signed consumer releases, establishing yet another category of data that needs to be collected, stored and protected.

#### **HB 1486 Unnecessarily Expands Government Access to Customer Data**

Third, HB 1486 unnecessarily and inappropriately expands governmental access to data related to the location of North Dakota citizens without adequate safeguards. HB 1486 includes a provision that would allow access to sensitive phone location information by *any* “governmental entity,” a term which is not defined, if the governmental entity “reasonably



believes” an emergency involving imminent danger exists.<sup>5</sup> Not only is this provision entirely unnecessary as there already exists a means for law enforcement to obtain that information, but HB 1486 provides no framework or standards whereby the carriers would measure or evaluate the reasonableness of the government’s belief or when in fact it should turn over the records.

For these reasons, CTIA respectfully opposes this legislation. Thank you for your consideration.

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<sup>5</sup> HB 1468, Section 4, Lines 15-19.