October 20, 2016

***Ex Parte* Notice**

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: ***Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106**

Dear Ms. Dortch:

On Tuesday, October 18, 2016, the undersigned on behalf of NTCA–The Rural Broadband Association ("NTCA") along with Jill Canfield, Vice President of Legal & Industry and Assistant General Counsel for NTCA; Brian Ford, Senior Regulatory Counsel for NTCA; and Jeff England, CFO of Silver Star Communications based in Freedom, Wyoming, met with Travis Litman, legal advisor to Commissioner Jessica Rosenworcel, to discuss the Federal Communications Commission's proposal on broadband privacy, and specifically the data security portions of the proposed rules that are scheduled to be discussed and voted upon at the Commission's upcoming October 27 open meeting.

Mr. England explained that his small, rural company has been a proactive early adopter of the NIST Cybersecurity Framework, using the Framework to assess and then mitigate cyber risks to its critical assets, infrastructure, and services. As Mr. England explained, the Framework is a tool that allows a small operator to evaluate threats to its network relative to its current cybersecurity posture, and then create a long-term plan – in context of what is technically and economically feasible for the company – to either reduce the likelihood of or consequence of those threats occurring, or transfer the risk to another entity such as a vendor, consultant, or insurance provider.

Mr. England and NTCA expressed their appreciation that the Commission recently modified its approach to data security, releasing a proposal in its October 6, 2016 "Fact Sheet"[1] that tracks more closely with the Federal Trade Commission's approach to "reasonable" data security.

[1] See, "Fact Sheet: Chairman Wheeler's Proposal to Give Broadband Consumers Increased Choice Over their Personal Information." (rel. Oct. 6, 2016) (http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1006/DOC-341633A1.pdf) (last viewed Oct. 13, 2016, 9:27).

NTCA also expressed an appreciation that the FCC understands the importance of cybersecurity risk management and its advantages over a traditional, prescriptive checklist. However, NTCA and Mr. England also noted that given the need for scalability, flexibility, and individual adaptions of the Framework based upon technical and economic feasibility, voluntary industry guidelines and a public-private collaboration approach are best suited to respond effectively to evolving threats.

To the extent that any guidelines are deemed necessary with respect to data security, NTCA reiterated specific and explicit reference to "economic feasibility" when determining what measures are either necessary or considered "reasonable."

NTCA also cautioned that it will take time for small companies to digest, understand, and then apply a risk-management approach to their cybersecurity planning and operations and Commission expectations and actions should be tailored accordingly.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Federal Communications Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ *Jesse Ward*
Jesse Ward
Industry & Policy Analysis Manager
NTCA–The Rural Broadband Association

cc: Travis Litman