FILED
WILLIAM BLUM'THAL
General Counsel

DAVID M. NEWMAN, Calif. Bar No. 54218

dnewman@ftc.aov ~d- ~ ~ederal Trade Commission .,:ZRX, U.S. 5l:TRIC, COURT

901 Market Street, Suite 570 OfMTR4L DIST. OF .:.?LlF. San Francisco, CA 94103 LQS r.PIOEL:.>

Y Attorneys for Plaintiff

UNITED STATES DISTRICT COURT CENTFLAL DISTRICT OF CALIFORNIA -

) E$3C!lQ6=Q1439
FEDER& TRADE CO~ISSION,)
) Case No.
Plaint itf , 1
I

V.) COMPLAINT FOR PERMANENT
) TNCitWCTION AND OTHER
77 INVESTIGATIONS, INC., and)

zontrolled, or participated in the acts and practices set forth in this complaint. He resides in and transacts or has transacted
ousiness in this district.
COMMERCE

7. At all times material herein, Defendants have
maintained a course of trade in or affecting commerce, as
commerce is defined in Section 4 of the FTC Act, 15 U.S.C. § 44. BACKGROUND-UND~~-c~~~~m~- P~OPRIET~Y~~NETW~RK~'INFO~T~ION
8. The Telecommunications Act of 1996 defines 'customer
proprietary network infonation" to mean:
(A) information that relates to the quantity, technical
configuration, type, destination, location, and amount of
use of a telecommunications service subscribed to by any
customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of
the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange
service or telephone toll service received by a customer of
a carrier,
47 U.S.C. § 222(h) (I),which includes, but is not limited to, telephone call detail records (hereinafter referred to as "customer phone records"). The Telecommunications Act further provides that
[elxcept as required by law or with the approval of the
customer, a telecommunications carrier that receives or
obtains customer proprietary network information by virtue
of its provision of a telecommunications service shall only
use, disclose, or permit access to individually identifiable

COMPLAINT Page 3

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.
L7 U.S.C. § 222 (c) (1) . The Telecommunications Act further
~ rovides that customer phone records may only be disclosed "upon iffinnative written request by the customer, to any person iesignated by the customer." 47 U.S.C. § 222 (c) (2) .
DEFENDANTS' BUSINESS PRACTICES

9. Since at least 2001, " only person r

statements, fraudulent or stolen documents or other qisrepresentations,

- -

;uch other equitable relief as the Court may determine to be just

md proper.

Iated: May 1, 2006 Respectfully Submitted,

WILLIAM BLUMENTHAL
General Counsel

DAVID M. NEWMAN
Federal Trade Commission Street, Suite 570
co, (2-9

ATTORNEYS FOR PLAINTIFF FEDEFKL TRADE COMMISSION

COMPLAINT Page 7