

February 17, 2019

Via Web-based Electronic Filing

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW, Suite TW-A325  
Washington, DC 20554

Re: Annual 47 C.F.R. 64.2009(e) CPNI Certification for 2019 covering the prior  
calendar year 2018; EB Docket 06-36  
Date filed: February 17, 2019  
Name of company covered by this certification: Raw Bandwidth Telecom, Inc.  
and affiliates  
Form 499 Filer ID: 827483  
Name of signatory: Michael S. Durkin  
Title of signatory: President

Dear Ms. Dortch:

I, Michael S. Durkin, certify that I am an officer of Raw Bandwidth Telecom, Inc., that I am acting as an agent of the company, and that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules located at 47 C.F.R. §64.2001 et seq.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in Part 64, Subpart U-Customer Proprietary Network Information, section 64.2001 et seq., of the Commission's rules.

The company has not taken any actions (i.e., proceedings instituted or petitions filed by the company at state commissions, the court system, or at the Commission) against data brokers in the past year. The company has not had any occurrence of incidents involving pretexters, and as such has not been required to report any such incident, nor does it have information to report with respect to the processes pretexters are using to attempt to gain access to CPNI. The company has not received any customer complaints concerning the unauthorized release of CPNI in the past calendar year.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the

Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

If any further information is required, please contact me at (650) 802-8006 or by email to mdurkin@rawbw.com.

Sincerely,

*Michael S. Durkin 2/17/19*

Michael S. Durkin  
President  
Raw Bandwidth Telecom, Inc.  
(650) 802-8006  
mdurkin@rawbw.com

Attachments: Accompanying Statement explaining CPNI procedures  
Explanation of actions taken against data brokers (if applicable)  
Summary of customer complaints (if applicable)

## **CPNI Compliance Statement and Operating Procedures of Raw Bandwidth Telecom, Inc. (“Company”)**

Pursuant to the requirements contained in *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007)(“EPIC CPNI Order”),<sup>1</sup> Michael S. Durkin, President of Raw Bandwidth Telecom, Inc. and affiliated entities makes the following statement:

Company has established policies and procedures to comply with the Federal Communications Commission's (FCC) rules regarding the use, disclosure, and access to Customer Proprietary Network Information pursuant to Part 64, Subpart U of the Commission's rules, 47 C.F.R. § 64.2001 et seq. These procedures ensure that Company is compliant with the FCC's customer proprietary network information (CPNI) rules, and are documented in Company's CPNI Compliance Manual. The purpose of this statement is to summarize Company's policies and procedures designed to safeguard CPNI.

Company has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Company trains its personnel as to when they are and are not authorized to use CPNI, and Company has an express disciplinary process in place. Company will provide the Commission written notice within five business days of any instance where opt-out mechanisms do not work properly, to such a degree that consumers' ability to opt-out is more than an anomaly.

Company uses CPNI for the limited purposes of initiating, rendering, billing, and collecting for telecommunications services, and may use CPNI, if necessary, to protect its property rights. Company does not disclose CPNI or permit access to such CPNI to any third parties other than as necessary to provide service, and will maintain records of any instances where CPNI is disclosed to third parties, or where third parties are allowed to access CPNI.

The Company has presently chosen to prohibit the use or disclosure of CPNI for marketing purposes. If CPNI is to be used for Sales or Marketing in the future, the required notice and opt-out approval process will be conducted as required, and safeguards will be implemented in accordance with 47 C.F.R. § 64.2009.

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<sup>1</sup> 47 C.F.R. S: 64.2009(e) states: “A telecommunications carrier must have an officer, as an agent of the carrier, sign and file with the Commission a compliance certificate on an annual basis. The officer must state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certification explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, the carrier must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year.”

Company has established a supervisory review process regarding its compliance with the CPNI rules regarding outbound marketing situations and will maintain records for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

Company will maintain records of its and its affiliates' sales and marketing campaigns which use CPNI for a minimum of one year if any such campaigns were to be instituted, including a description of each campaign, the specific CPNI that was used in each campaign, and the products and services offered as part of each campaign.

The Company will provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumer's ability to opt-out is more than an anomaly.

- (1) The notice shall be in the form of a letter, and shall include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.
- (2) Such notice will be submitted even if the Company offers other methods by which consumers may opt-out.

Company has established procedures to verify an incoming caller's identity. Company trains its personnel in both the use of CPNI, and protection of its confidentiality. These procedures are detailed in Company's CPNI Compliance Manual, which is required reading for all company personnel. Company also limits the number of employees that have access to customer information and call data.

Company has implemented measures to discover and to protect against unauthorized attempts to access CPNI. Company also has implemented procedures pursuant to which it can track breaches of CPNI, and given such an event will notify the United States Secret Service and the Federal Bureau of Investigation in accordance with the FCC's rules. Company will track customer complaints regarding CPNI, notify its customers in accordance with the FCC's rules and will maintain a record of notifications to the USSS and FBI, for the time period specified in the FCC's rules.

The company has not taken any actions (i.e., proceedings instituted or petitions filed by the company at state commissions, the court system, or at the Commission) against data brokers in the past calendar year. The company has not had any occurrence of incidents involving pretexters, and as such has not been required to report any such incident, nor does it have information to report with respect to the processes pretexters are using to attempt to gain access to CPNI. The company has not received any customer complaints concerning the unauthorized release of CPNI in the past year.

Company annually submits a CPNI certification to the FCC from an officer with personal knowledge of the policies and procedures that it has implemented to safeguard CPNI.



*Michael S. Durkin 2/12/19*

Michael S. Durkin  
President  
Raw Bandwidth Telecom, Inc.