

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket No. 06-36**

**Annual 64.2009(e) CPNI Certification for 2018 Covering the Prior Calendar Year 2017**

**Date Filed:** 02/27, 2018

**Name of the Company Covered by this Certification:** FiberLight, LLC

**Form 499 Filer ID:** 827737

**Name and Title of Signatory:** Tony D. Cash, EVP & General Counsel

I, Tony D. Cash, certify that I am an officer of FiberLight, LLC ("FiberLight" or the "Company") and, acting as an agent of FiberLight, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how FiberLight's procedures ensure the company is in compliance with the requirements set forth in sections 64.2001 *et seq.* of the Commission's rules.

FiberLight has not taken any actions (instituted proceedings or filed petitions at either state commissions, courts, or at the FCC) against data brokers in the past year. FiberLight has no information outside of Commission Docket No. 96-115, or that is not otherwise publicly available (*e.g.*, through news media), regarding the processes pretexters are using to attempt to access CPNI. The steps the Company has taken to protect CPNI include updating its CPNI practices and procedures and conducting new training designed to ensure compliance with the FCC's modified CPNI rules.

FiberLight has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

FiberLight 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. FiberLight 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.

  
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Tony D. Cash

Executive Vice President & General Counsel

FiberLight, LLC

**Date:** 2/22/18

## **Customer Proprietary Network Information Certification Attachment A**

FiberLight has established practices and procedures adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended, and the Federal Communications Commission's ("FCC") rules pertaining to customer proprietary network information ("CPNI") set forth in sections 64.2001 – 64.2011 of the Commission's rules. This attachment summarizes those practices and procedures, which have been updated so that they are adequate to ensure compliance with the Commission's CPNI rules, as modified by the Commission in 2007.

### **Safeguarding against pretexting**

- FiberLight takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, including the authentication of customers prior to disclosing CPNI based on customer-initiated contacts. FiberLight is committed to notify the FCC of any novel or new methods of pretexting it discovers and of any actions it takes against pretexters and data brokers.

### **Training and discipline**

- FiberLight trains its supervisory and non-supervisory personnel in an effort to ensure that its employees, in accordance with FCC regulations: (a) understand what CPNI is, (b) join in and carry-out FiberLight's obligation to protect CPNI, (c) understand when they are and when they are not authorized to use or disclose CPNI, (d) obtain customers' informed consent as required with respect to its use for marketing purposes, and (e) keep records regarding receipt of such consent, customer complaints regarding CPNI and the use of CPNI for marketing campaigns.
- FiberLight employees are required to review FiberLight's CPNI practices and procedures set forth in training materials and to acknowledge their comprehension thereof.
- FiberLight also requires all outside Dealers and Agents to review FiberLight's CPNI practices and procedures and to acknowledge receipt and review thereof.
- FiberLight has an express disciplinary process in place for violation of the company's CPNI practices and procedures. The careless or intentional failure to comply with these practices and procedures may result in disciplinary action, up to and including discharge.

### **FiberLight's use of CPNI**

- FiberLight uses CPNI for the following purposes:
  - To initiate, render, maintain, repair, bill and collect for services;
  - To protect its property rights; or to protect its subscribers or other carriers from fraudulent, abusive, or the unlawful use of, or subscription to, such services;
  - To provide inbound telemarketing, referral or administrative services to the customer during a customer initiated call and with the customer's informed consent.
  - To market additional services to customers that are within the same categories of service to which the customer already subscribes;
  - To market services formerly known as adjunct-to-basic services; and
  - To market additional services to customers *with the receipt of informed consent via the use of opt-in or out-out, as applicable.*
- FiberLight does not disclose or permit access to CPNI to track customers that call competing service providers.

- FiberLight discloses and permits access to CPNI where required by law (*e.g.*, under a lawfully issued subpoena).

#### **Customer approval and informed consent**

- FiberLight has implemented a system to obtain approval and informed consent from its customers prior to the use of CPNI for marketing purposes. This system also allows for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.
  - Prior to any solicitation for customer approval, FiberLight notifies customers of their right to restrict the use of, disclosure of, and access to their CPNI.
  - FiberLight uses opt-in approval when using or disclosing CPNI for purposes other than permitted under opt-out approval or in 47 USC 222 and the FCC's CPNI rules.
  - A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
  - Records of approvals are maintained for at least one year.
  - FiberLight provides individual notice to customers when soliciting approval to use, disclose, or permit access to CPNI.
  - The content of FiberLight's CPNI notices complies with FCC rule 64.2008(c).

#### **Opt-out**

- FiberLight uses opt-out for the marketing of communications related services by its employees outside the category of service to which the customer subscribes and for affiliate marketing of any communications related services. When FiberLight uses opt-out approval, the Company provides notification by electronic or written methods and waits at least 30 days after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. FiberLight provides customers with opt-out notifications every two years. When using e-mail for opt-out notices, FiberLight complies with the additional requirements set forth in FCC rule 64.2008(d)(3). Additionally, FiberLight makes available to every customer an opt-out method, at no additional charge, that is available 24 hours a day, seven days a week.

#### **Opt-in**

- FiberLight uses opt-in approval for marketing by independent contractors and joint venture partners and for then marketing of non-communications related services by itself and its affiliates. When FiberLight uses opt-in approval, FiberLight provides notification consistent with FCC rule 64.2008(c).

#### **One time use**

- After authentication, FiberLight uses oral notice to obtain limited, one-time approval for use of CPNI for the duration of a call. The contents of such notice comports with FCC rule 64.2008(f).

#### **Additional safeguards**

- FiberLight maintains for at least one year records of all marketing campaigns that use its customers' CPNI, including a description of each campaign and the CPNI used, the products offered as part of the campaign, and instances where CPNI was disclosed to third parties or where third parties were allowed access to CPNI. Such campaigns are subject to a supervisory approval and compliance review process, the records of which also are maintained for a minimum of one year.
- FiberLight has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules.

- FiberLight designates one or more officers, as an agent or agents of the company, to sign and file a CPNI compliance certificate on an annual basis. The certificate conforms to the requirements set forth in FCC rule 64.2009(e).
- FiberLight will provide written notice to the Commission in accordance with the requirements of FCC rule 64.2009(f) if ever its opt-out mechanisms malfunction in the manner described therein.
- For customer-initiated telephone inquiries regarding or requiring access to CPNI, FiberLight authenticates the customer (or its authorized representative), through a pre-established password, without prompting through the use of readily available biographical or account information. If the customer cannot provide a password, then FiberLight only discloses call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record.
- For online customer access to CPNI, FiberLight authenticates the customer (or its authorized representative) without the use of readily available biographical or account information. After the customer has been authenticated, FiberLight utilizes a customer-established password to authorize account access. FiberLight establishes passwords and has employed back-up authentication for lost or forgotten passwords consistent with the requirements of FCC rule 64.2010(e).
- FiberLight notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.
- FiberLight may negotiate alternative authentication procedures for services that the Company provides to business customers that have both a dedicated account representative and a contract that specifically addresses FiberLight's protection of CPNI.
- In the event of a breach of CPNI, FiberLight has practices and procedures in place to notify law enforcement as soon as practicable and no later than seven (7) business days from discovering the breach. Customers will be notified after the seven (7) day period, unless the relevant investigatory party directs FiberLight to delay notification, or FiberLight and the investigatory party agree to an earlier notification. FiberLight will maintain a record of all CPNI security breaches, including a description of the breach and the CPNI involved, along with notifications sent to law enforcement and affected customers.