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February 24, 2016

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

*Filed Electronically Via ECFS*

RE: FPL FiberNet, LLC
Customer Proprietary Network Information Certification
EB Docket No. 06-36

Dear Ms. Dortch:

FPL FiberNet, LLC ("Company"), by its undersigned attorneys, hereby submits its 2015 CPNI Compliance Certificate and Accompanying Statement certifying compliance with Section 64.2001 *et seq.* of the Commission's rules.

Please contact the undersigned should you have any questions or concerns at (269) 381-8893 extension 226 or patrick@crockerlawfirm.com.

Very truly yours,

CROCKER & CROCKER

Patrick D. Crocker

PDC/tld

Enclosures

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2016 covering the prior calendar year 2015

Date filed: February 24, 2016

Name of Company Covered by this Certification: FPL FiberNet, LLC

Form 499 Filer ID: 825118

Name of Signatory: Carmen M. Perez

Title of Signatory: President

I, Carmen M. Perez, certify that I am an officer of the company named above, and acting as an agent of the company, 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 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 section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.,* proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

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.

This Certification is dated this 22nd day of February, 2016.

Carmen M. Perez
President
FPL FiberNet, LLC

# CUSTOMER PROPRIETARY NETWORK INFORMATION

# ("CPNI")

# PROTECTION POLICY

## FPL FiberNet, LLC

## And

## NextEra FiberNet, LLC dba FPL FiberNet

## (collectively, "FPL FiberNet")

For more information, contact: FPL FiberNet

| |
|---|
| FPL FiberNet requires all employees, contractors, agents, affiliates and partners, including sales and marketing agents, to protect the confidentiality of customer information. The Federal Communications Commission ("FCC') may consider customer information obtained by FPL FiberNet by virtue of its provision of telecommunications service Customer Proprietary Network Information ("CPNI"), and be subject to legal protection under Federal law and regulations. FPL FiberNet supports these laws and regulations, and requires that all employees, contractors, agents, affiliates and partners comply with this CPNI Protection Policy and procedures set forth herein. |

***See Glossary at the end of this document for meanings of <u>certain capitalized</u> terms.***

# SUMMARY

## Customer Proprietary Network Information (CPNI) includes:

- information about circuits that we provide to our customers (capacity, endpoints, and so forth);
- information about dark fiber that we provide to our customers (for example, number of strands, physical route); and,
- billing and usage information on the switched services we provide (generally, through resale or UNE arrangements with the incumbent local exchange companies).

## How do we protect CPNI?

- FPL FiberNet will not share CPNI unavailable publicly with individuals outside of the customer's organization without the approval of the customer. Notwithstanding, FPL FiberNet may use CPNI to resolve technical issues with the customer, provision services, and bill for services.
- In addition to the foregoing, those authorized with access CPNI may use the customer's CPNI:
    - To market services within the current group of services to which the customer already subscribes.
    - To market Communications-Related services outside of the current group of services that the customer buys, provided the customer consented to use of the CPNI for such marketing. Such consent can be obtained via an **opt-out** letter.
    - To market non-Communications-Related products and services to the customer, only if the customer consented to the use of the CPNI for such purposes through the use of an **opt-in** letter.
    - FPL FiberNet will not share CPNI with joint venture partners and independent contractors unless the customer consented to the use of the CPNI through an **opt-in** letter, sent to the customer only by FPL FiberNet.
    - TCurrently, 3 different groups of service apply to FPL FiberNet, including: long-haul, metro and wireless services. The wireless service application includes instances wherein FPL FiberNet provides a wireless connection, and excludes cases wherein the customer provides wireless services and FPL FiberNet simply provides capacity or dark fiber).

## How do we document and ensure our protection of CPNI?

- FPL FiberNet shall distribute this CPNI Protection Policy to all FPL FiberNet employees during each calendar year. Each employee must confirm that he or she has read and understands the CPNI Protection Policy ; failure to do so may result in disciplinary action up to and including termination. In addition, FPL FiberNet shall provide training regularly to ensure that all authorized individuals or employees with access to CPNI understand the CPNI Protection Policy.
- All discussions with customers involving the marketing of new services shall be documented in CRM.
- All requests for CPNI from any person or entity shall be handled in accordance with this CPNI Protection Policy. If you have any questions regarding this CPNI Protection Policy, please contact Tim Young.

# WHAT IS CPNI?

## CPNI is defined by Federal statute:

The term "Customer Proprietary Network Information" means ---

(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;

----- except that such term does not include subscriber list information.

47 United States Code § 222(h)(1).

## CPNI comprises most information FPL FiberNet collects relating to a customer arising out of the purchase of telecommunications services from FPL FiberNet, including:

- Information about the ***types*** of service a customer buys, such as the technical configuration, destination and location of services a customer purchases from FPL FiberNet. This may include design layout reports, service addresses, originating and terminating locations, circuit speed and capacity, etc.;

- information about the ***amount*** of service a customer purchases from FPL FiberNet. For example, this may include the number of lines, circuits, calls, minutes, or the amount of equipment, subscribed to by the customer;

- information about a customer's ***usage*** of telecommunications services, including numbers called, calls received, and optional features utilized; and,

- information contained in a bill sent to the customer by FPL FiberNet.

## CPNI does *not* include:

- Information obtained by FPL FiberNet outside its carrier-customer relationship with the customer. For example, market information that FPL FiberNet may purchase from an outside source which happens to include data considered CPNI concerning one of FPL FiberNet's customers. However, FPL FiberNet shall handle all CPNI obtained from an FPL FiberNet affiliate also providing service to a customer as CPNI and handle according to the CPNI Protection Policy.

- Subscriber List Information. This is a defined term under Federal law, and it means any information of an FPL FiberNet subscriber (such as name, address, telephone number or classification) that the company or an affiliate has published, caused to be published, or accepted for publication in a directory.

# RESTRICTIONS ON USE OF CPNI

## How may CPNI be used *without* the customer's approval?

- CPNI may always be used to provide the telecommunications service that the customer has purchased (such as customer service and repair), or to provide services necessary to, or used in, the provision of such telecommunications services, including the publishing of directories.

- FPL FiberNet may use CPNI, without notice or approval, to bill and collect for services rendered, and to protect the FPL FiberNet's rights and property (including fraud control).

- FPL FiberNet may use Aggregate Customer Information without restriction. However, if the FPL FiberNet uses Aggregate Customer Information for purposes other than providing telecommunications services, FPL FiberNet will make the same aggregate information available to other parties upon request, on reasonable and non-discriminatory terms and conditions.

- FPL FiberNet may use CPNI for wire line service without notice or customer approval, when providing customer premise equipment , call answering, voice mail or messaging, voice storage and retrieval services, fax storing and forwarding services and protocol conversion.

- CPNI may be used, without notice or approval, for marketing FPL FiberNet's services within a category of FPL FiberNet services to which the customer already subscribes. The FCC recognizes three (3) categories of telecom services: local, inter-exchange and CMRS (mobile wireless) service. Therefore, if a customer already subscribes to FPL FiberNet's local service, the company may, without notice or approval, use that customer's CPNI for the purpose of marketing additional local services.

- CPNI may be used to assist with any inbound telemarketing or administrative service customer support for the duration of the customer's call, if the customer orally approves use of CPNI in this manner.

## How may CPNI be used *with* the customer's approval?

- FPL FiberNet may use CPNI to market FPL FiberNet's Communications-Related Services, and may disclose to FPL FiberNet's affiliates, as well as the FPL FiberNet's third-party agents providing Communications-Related Services, if the customer received notice, and provides approval by the "opt-out" procedure. Specific requirements apply as to how customer receives notices, and the procedures pertaining to "opt-out" approval must be closely observed.

- FPL FiberNet generally prohibits disclosure of CPNI to unrelated third parties. However, FPL FIberNet may disclose CPNI to independent contractors and joint venture partners, as well as to unrelated third parties and affiliates that *do not* provide Communications-

Related Services, if the customer consents through the "opt-in" procedure. Any request to use CPNI in this manner requires the express approval of Tim Young.

## When is FPL FiberNet *required* to disclose CPNI?

- FPL FiberNet must provide CPNI to any person designated by the customer, upon receipt of an affirmative written request from the customer.

- FPL FiberNet must disclose CPNI when required by law. All requests for CPNI from law enforcement personnel will be handled by FPL FiberNet's senior attorney. If you receive a request (written or oral) from any person claiming to be law enforcement personnel, please forward the request to the senior attorney. A request for CPNI includes, but is not limited to, a request for a particular customer or customers' call records. A request from law enforcement personnel may come from a federal or state law enforcement agency, including, but not limited to, the United States Department of Justice, the Federal Bureau of Investigation, the FCC, and the policy department. For purposes of this category, law enforcement personnel also include local state agencies. The senior attorney will review all requests from law enforcement personnel.

- FPL FiberNet's shall not release any CPNI to any law enforcement personnel or to any person (other than the customer) claiming a right to the information absent a validly issued written subpoena. FPL FiberNet shall require any person or entity requesting CPNI orally to reduce the request to writing and direct that request to the senior attorney. All requests for CPNI from any person other than the customer or law enforcement personnel also will be handled by the senior attorney, including, but not limited to,requests from an attorney claiming to have a valid subpoena for the information. If you receive a request for CPNI (written or oral) from any person other than the customer, please forward the request to the senior attorney.

# OBTAINING APPROVAL FROM A CUSTOMER TO USE CPNI

## Opt-out

- The "opt-out" approval method requires that the customer receive an individual notice (by written or electronic means) that FPL FiberNet intends to use the customer's CPNI. Such notices must be sent by FPL FiberNet for the customer's approval thirty (30) days in advance of the intended use of CPNI (thirty-three (33) days for notices sent by mail). If the customer communicates to FPL FiberNet that use of the CPNI is not approved, the company will honor that customer's decision to "opt-out." In limited cases, oral approvals may be allowed, as described below in the section entitled *Special Requirements Applicable to One-Time Oral Notices to Customers.*

- If FPL FiberNet elects to send opt-out notices by e-mail, the customer must previously have agreed to receive e-mails regarding the service account. The subject line of the e-mail must clearly and accurately identify the topic, and the customer must have the option of replying directly to the e-mail. If the e-mail is returned as undeliverable, FPL FiberNet may be not use the customer's CPNI until the required notice is given by another means.

- The customer must be able to opt-out at no cost and be able notify FPL FiberNet of the decision on a twenty-four (24)hour/ seven (7)-day-per-week basis.

- Opt-out approval must be refreshed every two years by sending a new notice, with a new thirty (30) or thirty-three (33) day waiting period for approval. Tim Young will issue the opt-out requests to the customers and track customer responses.

## Opt-in

- The opt-in method requires FPL FiberNet to obtain from the customer an affirmative, express consent--in oral, electronic or written form--allowing the requested CPNI usage, disclosure or access, after receiving appropriate notification.

- Although customer approvals under the opt-in method may be obtained orally, FPL FiberNet allows oral approvals only with prior written authorization received from the customer and confirmation of same by FPL FiberNet management. If oral approval is received, the burden will rest with FPL FiberNet to demonstrate that the customer received all of the information required in writing, and gave the necessary approval.

- Tim Young will issue the opt-in requests to the customers and track customer opt-in requests.

## Notice Requirements Applicable to both the Opt-in and Opt-out Methods of Approval

- Notices to customers must be clearly written, legible, and provide sufficient information to enable the customer to make an informed decision to allow or deny use of CPNI. FPL FiberNet must define CPNI for the customer, name the CPNI at issue, disclose the the proposed use by FPL FiberNEt, and identify specific entities to receive the CPNI upon approving the release of the CPNI. Although the notice may advise the customer that use or disclosure of CPNI will enhance FPL FiberNet's ability to provide services to the customer, the notice must also state that the customer has the right, and FPL FiberNet has the duty under Federal law, to protect the confidentiality of CPNI. The customer must be informed of his or her right to deny or later withdraw approval of FPL FiberNet's proposed use of CPNI, and also be advised of the precise steps that must be taken in order to grant or deny approval of such use. Customers must be notified that denial of access to CPNI will not affect the provision of any services to which the customer subscribes.

- Only Tim Young is authorized to provide notices to FPL FiberNet customers.

### *Special Requirements Applicable to One-Time Oral Notices to Customers*

In general, one-time oral notices are appropriate when FPL FiberNet made a one-time inbound or outbound telephone contact with the customer and access to CPNI is useful to analyze the customer's existing service. In such cases, FPL FiberNet may use oral notices to obtain limited, one time use of CPNI only for the duration of the call, without regard to whether FPL FiberNet uses opt-out or opt-in approval process with respect to that customer. When using the one time oral notice method, the customer must be advised of the same information that otherwise provided in a written or electronic notice. However, certain information may be omitted from the oral notice, if it is clearly inapplicable, including: (a) notice that CPNI will be shared with affiliates or third parties; (b) the specific steps are necessary to approval or restrict use of CPNI; and (c) previous opt-out decisions require no further action to maintain the opt-out election. Notation should be made in the customer's record of any one-time oral notice to the customer and the customer's acceptance or rejection of one-time use of CPNI.

# HOW TO VERIFY A CUSTOMER'S APPROVAL AND OBTAIN SUPERVISORY APPROVAL FOR PROPOSED OUTBOUND MARKETING EFFORTS

## CUSTOMER APPROVAL DATABASE

- FPL FiberNet maintains a database that identifies whether or not a customer has given approval for access to its CPNI. FPL FiberNet obligates all employees, agents, and affiliates, including sales and marketing agents, to review the Customer Approval database before using, disclosing or permitting access to a customer's CPNI.

- FPL FiberNet prohibits all employees, agents, and affiliates of FPL FiberNet, including sales and marketing agents, from using, disclosing or permitting access to CPNI of any customer failing to appear on the list in the database as having given approval. Disciplinary action may result from violation of this prohibition up to and including termination.

- Please report any inaccuracies found in the customer approval database promptly to Tim Young.

- FPL FiberNet prohibits employees, agents, and affiliates, including sales and marketing agents, from using, disclosing, or permitting access to the CPNI database to joint venture partners and independent contractors except on a customer-specific basis, and only if the customer consented to the sharing of CPNI with FPL FiberNet's independent contractors and joint venture partners for marketing purposes.

- Independent contractors and joint venture partners are permitted to use CPNI for marketing purposes only to the extent a customer consented to the sharing of CPNI with FPL FiberNet's independent contractors and joint venture partners for marketing purposes. Independent contractors and joint venture partners shall only use CPNI in as authorized by the customer, in accordance with the safeguards set forth in the contract with FPL FiberNet, and consistent with the CPNI Protection Policy.

- FPL FiberNet requires all employees, agents, and affiliates, including sales and marketing agents, to obtain supervisory review before making any request to a customer to use, disclose or permit access to CPNI. All requests for such review shall be directed to Tim Young, unless a unit supervisor received prior authority to conduct such reviews. The review shall ensure adherence to the requirements of this CPNI Protection Policy statement. As an exception, a sales representative may request that the customer authorize the use, disclosure, or access to CPNI limited to the duration of a specific customer contact.

- All FPL FiberNet joint venture partners and independent contractors must request approval from Tim Young to obtain access to the CPNI database. FPL FiberNet will provide access on a project by project basis, and only for customers who have consented to the joint venture partner and independent contractor use of CPNI for the particular purpose for which approval is sought.

# CUSTOMER VERIFICATION AND RELEASE OF CPNI

- Each customer will be assigned a designated point of contact at FPL FiberNet. The designated point of contact will handle all of the customer's sales and service requests. Each customer will designate a point of contact responsible for working with the FPL FiberNet point of contact. FPL FiberNet will verify all incoming calls. FPL FiberNet representatives will know each of their customer's point of contacts personally. If FPL FiberNet does not recognize the point of contact (for example, by voice), then FPL FiberNet must ensure that it is speaking with the point of contact through other verification means, including, but not limited to, obtaining the person's name, company address, and specific information regarding the company's services. If the customer is unable to verify any of the requested details, then the FPL FiberNet point of contact may not proceed with the call. In these situations, the FPL FiberNet point of contact may call the customer at its telephone number of record to discuss the account, but may not release any information during the preceding in-bound call.

- FPL FiberNet does not generate call detail information, as that term is defined in the FCC's rules (and listed at the end of this document in the Glossary). If FPL FiberNet subsequently provides services generating call detail information, then such information will not be released over the phone, but only will be released to the customer's address of record. Under no circumstances will any customer information be released except to the customer's address of record.

# ACCOUNT CHANGES

All account changes must be in writing, and must be made in accordance with the customer's Master Service Agreement with FPL FiberNet.

# CONFIDENTIALITY AGREEMENTS WITH CONTRACTORS AND JOINT VENTURERS

FPL FiberNet will typically not share CPNI outside of the company or FPL FiberNet organization.

If it becomes necessary for FPL FiberNet to share CPNI with a partner, contractor or agent, FPL FiberNet will do so only after that person or entity has entered into a confidentiality agreement with FPL FiberNet. Any such arrangements require the specific approval of the senior attorney. The confidentiality agreement must include the following:

- Require that the partner, contractor or agent use the CPNI only for the purpose of marketing or providing the Communications-Related Services for which it was provided;

- Disallow the partner, contractor or agent from using, allowing access to or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and,

- Require that the partner, contractor or agent have appropriate protections in place to ensure the ongoing confidentiality of the customer's CPNI.

All confidentiality agreements shall be reviewed by the senior attorney.

# RETENTION AND WIN-BACK

***Restrictions on use of <u>Carrier Proprietary Information</u> to retain customers.***

- If FPL FiberNet learns by receipt of another carrier's order to switch the customer, or another carrier's change request, that a customer plans to switch from FPL FiberNet to another carrier, FPL FiberNet prohibits its employees, agents, contractors or affiliates from using that information to attempt to dissuade the subscriber from leaving.

- FPL FiberNet specifically prohibits access call records for the purpose of identifying customers who may have called or been called by any of our competitors.

- Subject to this CPNI Protection Policy statement on use of CPNI, if FPL FiberNet learns that a customer is switching to another carrier through an independent source (*e.g.*, from a communication received directly from the customer), CPNI may be used to persuade the customer to stay. All notice and consent requirements must be observed.

***Win-back***

- Subject to this CPNI Protection Policy on use of CPNI, FPL FiberNet encourages marketing campaigns to win back former customers having switched to other carriers. All notice and consent requirements shall be observed in the event CPNI is used as part of a "win-back" campaign.

# TRAINING, REPORTING AND RECORD KEEPING

## TRAINING REQUIREMENTS

- FPL FiberNet will provide a means for all its employees, contractors, agents, affiliates and partners of FPL FiberNet, including sales and marketing agents, to receive training in the proper uses of CPNI, including a familiarity with this CPNI Protection Policy statement. Anyone who has not received the required training should contact Tim Young.

## REPORTING REQUIREMENTS

- Tim Young is responsible for all government reporting requirements in connection with CPNI.

- FPL FiberNet will provide a written report to the FCC of any instance in which the opt-out method failed to work properly, to such a degree that the customer's inability to opt-out appears more than an anomaly. FPL FiberNet's report will be filed with the FCC within five (5) business days after learning of such failure. Any employee who becomes aware of any malfunction in the opt-out system should immediately report it to Tim Young. Regulatory will maintain the annual compliance certificate required by the FCC's rules and will renew this form on an annual basis no later than the first business day in January every calendar year. FPL FiberNet will file this annual compliance certificate with the FCC. An FPL FiberNet officer will sign the compliance certificate in which he or she states that he or she has personal knowledge that FPL FiberNet has established operating procedures that are adequate to ensure compliance with the FCC's CPNI rules. The statement will include a statement accompanying the certificate explaining how FPL FiberNet's operating procedures ensure compliance with the FCC rules. The statement also will 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.

## RECORD-KEEPING REQUIREMENTS

- FPL FiberNet will maintain records of approval, whether oral, written or electronic, for a minimum of one (1) year. A customer's approval or disapproval will remain in effect until the customer revokes or limits such approval or disapproval. The list of customers which have not raised objections to opt-out letters will be maintained in SharePoint.

- FPL FiberNet will use the ACT System to maintain records of all sales and marketing campaigns involving the use, disclosure or giving of permission for access to customers' CPNI, including those of FPL FiberNet affiliates. All such records will include a description of the campaign, identification of the CPNI used, and a listing of the products

and services being offered to customers. One-time uses of CPNI are not generally considered to be sales or marketing campaigns, and individualized records of such one-time uses are not required, except that every disclosure of CPNI to a person or entity outside of FPL FiberNet must be documented and recorded with the same information that would be required in a sales or marketing campaign. The records required under this paragraph will be maintained for a minimum of one (1) year.

# GLOSSARY

**"Account information"** means information that is specifically connected to the customer's service relationship with the carrier, including such things as an account number or any component thereof, the telephone number associated with the account, or the bill's amount.

**"Address of record,"** whether postal or electronic, is an address that the carrier has associated with the customer's account for at least 30 days.

**"Aggregate Customer Information"** means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed.

**"Call Detail Information"** means any information that pertains to the transmission of specific telephone calls, including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of the call.

**"Customer Proprietary Network Information (CPNI)"** means (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; except that such term does not include subscriber list information.

**"Carrier Proprietary Information (CPI)"** means a request from one carrier to another to *switch* a customer.

**"Communications-Related Services"** means telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision and maintenance of customer premises equipment. Information services that are typically provided by telecommunications carriers include Internet access and voice mail services. Retail consumer services provided by use of Internet websites (such as travel reservation services or mortgage lending services), are not typically provided by telecommunications carriers and are not considered to be Communications-Related Services, whether or not such services may otherwise be considered to be information services.

**"Readily available biographical information"** means information drawn from the customer's life history and includes such things as the customer's social security number, or the last four digits of that number; mother's maiden name; home address; or date of birth.

**"Subscriber List Information"** means any information of an FPL FiberNet subscriber (such as name, address, telephone number or classification) that the company or an affiliate has been published, caused to be published, or accepted for publication in a directory.

**"Telecommunications Carrier or Carrier"** has the meaning set forth in Section 3(44) of the Communications Act of 1934, as amended. Generally, a telecommunications carrier is a provider of transmissions services directly to the public for a fee, between or among points specified by the user, without change in the form or content of the information as sent and received. FPL FiberNet is a telecommunications carrier. FPL Energy and FPL Group are not carriers.

**"Telephone number of record"** means the telephone number associated with the underlying service, not the telephone number supplied as a customer's "contact information."

**"Valid photo ID"** is a government-issued means of personal identification with a photograph such as a driver's license, passport, or comparable ID that is not expired.

## ATTACHMENT 1
## SAMPLE "OPT-OUT" NOTICE

FPL FiberNet ("the Company") is committed to protecting the confidentiality of your telecommunications service information, and we have the duty to do so under Federal law. Moreover, Federal law gives you a right to protection of all such information, including how many telecommunications services you have, the type of lines you buy, technical characteristics, class of service (business or residential), as well as where, when, and to whom you place a call, and the related billing for these services.

From time to time we may have the opportunity to offer you products and services that will better meet your needs by using information about the services you have already purchased from the Company. Use of your service-related information for this purpose may enhance our ability to make you aware of new or alternate products and services that are tailored to your needs. If you elect to let the Company use confidential service information for this purpose, we may also share the information with our Company's affiliates, agents, partners, or other related entities for administrative and marketing purposes, but only for communications related services.

You have the right to restrict the Company's use of your customer information for these purposes. Your decision to restrict our use of your customer information is free of charge and will not affect the service you receive from the Company. If you wish to restrict the Company's use of your customer information, please notify the Company, in writing, at the address below or call us at 305-552-2104 within 33 days of receipt of this notice. Moreover, you may also contact us in writing, by email to FN_Contract@fpl.com. If you elect not to restrict use of your information, the Company may use it for the purposes described in this notice. You may change your decision at any time, but your decision will remain valid until you tell us otherwise.

You may receive marketing information from the Company even if you restrict the Company's use of your customer information. These materials are developed without use of confidential customer information. We also encourage you to contact us at any time to find out about the Company's products and services.

Thank you.

FPL FiberNet

## ATTACHMENT 2
## SAMPLE "OPT-IN" NOTICE

### FPL FIBERNET, LLC AUTHORIZATION TO USE CUSTOMER PROPRIETARY NETWORK INFORMATION ("CPNI")

In the course of providing service to your company (hereinafter "Customer"), FPL FiberNet, LLC ("FPL FiberNet") will obtain and possess certain usage-related information about the quantity and type of the telecommunications services Customer uses. This information is referred to as customer proprietary network information ("CPNI"). As a practical matter, CPNI includes information such as the type of communications services that Customer purchases from FPL FiberNet (dark fiber, waves, capacity, Ethernet transport, Internet access), the features that your company purchases, and Customer's usage patterns.

Under federal law, Customer has the right, and FPL FiberNet has the duty, to protect the confidentiality of Customer's CPNI. We may use Customer's CPNI to tailor our products and services to Customer's needs and to enhance our ability to meet all of Customer's communications needs, for example, by making Customer aware of products and services that we believe may be of interest. We also may share this information with our affiliates, joint venture partners, and independent contractors **[insert company names – including names of affiliates]** for the purpose of marketing additional FPL FiberNet products and services to Customer to enhance Customer's current service with FPL FiberNet. FPL FiberNet will not use this information for the purpose of selling non-communications related products and services.

Customer consents to FPL FiberNet's use and sharing of CPNI for the purposes described herein and to the persons/entities identified above. Customer acknowledges that its representative may contact FPL FiberNet at any time to deny use of its CPNI by email, letter, or phone to the contacts listed in the Customer's contract. Customer's consent to use CPNI is valid until revoked by Customer. Customer's decision will not affect the quality of service that FPL FiberNet provides to you.

Customer Signature:_____

Customer Name/ Title:_____

Date:_____