



February 3, 2006

Marlene Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Re: HELIO LLC
Certification of CPNI Filing
EB-06-TC-060

Dear Ms. Dortch:

HELIO LLC hereby submits its certification and statement regarding compliance with 47 C.F.R. Part 64, Subpart U, pursuant to 47 C.F.R. § 64.2009(e) of the Commission's Rules, as directed in the Commission's Public Notice, issued on January 30, 2006 (DA 06-223).

Very truly yours,

A handwritten signature in cursive script that reads "Neil J. Young".

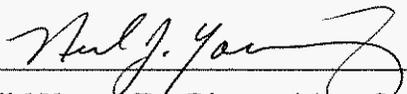
Neil J Young
Tax Director
HELIO LLC

EB-06-TC-060
Certification of CPNI Filing (February 6, 2006)

Compliance Certificate

As a corporate officer of the managing member of HELIO LLC, I hereby certify that, based on my personal knowledge, the company has established operating procedures that are adequate to ensure compliance with the rules established by the Federal Communications Commission concerning Customer Proprietary Network Information ("CPNI") as enumerated in 47 C.F.R. Part 64, Subpart U.

The attached statement by HELIO explains how the established operating procedures ensure HELIO's compliance, and the fact that HELIO is in compliance with 47 C.F.R. Part 64, Subpart U.



Neil J Young, Tax Director / Asst. Secretary

Dated: 3 Feb 2006

HELIO LLC ("HELIO") CPNI Compliance:

HELIO was formed in March 2005 as a Mobile Virtual Network Operator providing Commercial Mobile Radio Services by reselling the services of facilities-based CMRS carriers. HELIO plans to launch its HELIO-branded CMRS services in early Spring 2006. It was recently granted its international 214 authority on January 19, 2006.

HELIO has provided a modest amount of domestic CMRS services under the EarthLink Wireless brand. HELIO has been assured that the policy of EarthLink Inc. is not to disclose or use customers' CPNI.

HELIO has adopted the following policies and operating procedures in order to ensure HELIO's compliance with 47 C.F.R. Part 64, Subpart U. These policies will be followed when HELIO launches its service:

- 1) HELIO will not improperly utilize any customer's CPNI.
- 2) A customer's CPNI approval must be clearly established prior to any use requiring such approval.
- 3) All appropriate HELIO employees shall be trained about when it is and is not appropriate to use CPNI. Any employee violating this policy will be subject to a disciplinary process.
- 4) A record of all of the sales and marketing campaigns conducted by HELIO and its affiliates that may use customers' CPNI shall be maintained for one year. Said record shall include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.
- 3) HELIO has designated the Vice President, Operations to act as agent for the Company. This officer is responsible for signing a compliance certificate on an annual basis stating that the officer has personal knowledge that the Company has established operating procedures adequate to ensure compliance with applicable CPNI rules. This certificate shall be prepared and submitted annually.
- 5) HELIO shall provide to the FCC written notice within five business days of any instance where the company's opt-out mechanisms do not work properly to such a degree that consumers' inability to opt-out is more than an anomaly. That notice shall be in the form of a letter and shall include HELIO's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it would be/was implemented, whether relevant state commission(s) were notified and what action was taken, a copy of any notice provided to customers, and contact information. HELIO will submit the notice even if other methods by which consumers may opt-out were offered.

Because (1) the relevant policies set forth above were created directly from the FCC's regulations, (2) on information and belief, EarthLink, Inc. has not disclosed or used customers' CPNI, and (3) HELIO has not formally launched its service, HELIO is in compliance with 47 C.F.R. Part 64, Subpart U.

Signed



A handwritten signature in black ink, appearing to read "Nancy Yon", is written over a horizontal line.

On behalf of HELIO LLC