

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification  
EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2008

Date filed: 2/12/08

Name of company covered by this certification: Bandwidth.com, Inc.

Form 499 Filer ID: 0015443773

Name of signatory: David Morken

Title of signatory: President

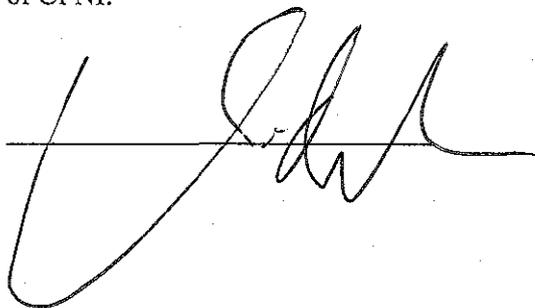
I, David Morken, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et 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 set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions against data brokers in the past year.

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

Signed \_\_\_\_\_



Bandwidth.com is committed to maintaining the privacy of its customers. In addition to protecting your personal information as outlined in Bandwidth.com's Privacy Policy, we are obliged to give additional protections to certain information about how you use your services. However, that information can help us customize and improve services we offer you.

In this section, we describe what information we protect and how we protect it.

## CPNI PROTECTIONS

As a customer of our services, you have the right, and Bandwidth.com has a duty, under federal law, to protect the confidentiality of certain types of services, including: (1) information about the quantity, technical configuration, type, destination, location, and amount of your use of your services, and (2) information contained on your telephone bill concerning your services you receive. That information, when matched to your name, address, and telephone number is known as "Customer Proprietary Network Information," or "CPNI" for short. Examples of CPNI include information typically available from telephone-related details on your monthly bill, technical information, type of service, current telephone charges, long distance and local service billing records, directory assistance charges, usage data and calling patterns.

CPNI does not include things like customer name, address, or telephone number; aggregate information or data that is not specific to a single customer; customer premises equipment; and Internet access services.

Unless Bandwidth.com obtains your approval, Bandwidth.com may not use this CPNI to market products and services to you other than for services you currently purchase.

Customer proprietary network information ("CPNI") is information related to the quantity, technical configuration, type, destination, location, and the amount of telecommunications a customer uses that Bandwidth.com has access to by virtue of the customer-provider relationship. CPNI does not include the Customer name, address and telephone number, nor does it include Internet access services.

## APPROVAL

From time to time, Bandwidth.com would like to use the CPNI information it has on file to provide you with information about Bandwidth.com's communications-related products and services or special promotions. Bandwidth.com's use of CPNI may also enhance its ability to offer products and services tailored to your specific needs. Accordingly, Bandwidth.com would like your approval so that Bandwidth.com may use this CPNI to let you know about communications-related services other than those to which Customer currently subscribes that

Bandwidth.com believes may be of interest to Customer. IF YOU APPROVE, YOU DO NOT HAVE TO TAKE ANY ACTION.

However, you do have the right to restrict our use of your CPNI. YOU MAY DENY OR WITHDRAW BANDWIDTH.COM'S RIGHT TO USE YOUR CPNI AT ANY TIME BY CALLING 1-800-808-5150. If you deny or restrict your approval for Bandwidth.com to use your CPNI, you will suffer no effect, now or in the future, on how Bandwidth.com provides any services to which you subscribe. Any denial or restriction of your approval remains valid until your services are discontinued or you affirmatively revoke or limit such approval or denial.

In some instances, Bandwidth.com will want to share your CPNI with its independent contractors and joint venture partners in order to provide you with information about Bandwidth.com's communications-related products and services or special promotions. Prior to sharing your CPNI with its independent contractors or joint venture partners, Bandwidth.com will obtain written permission from you to do so.

#### DISCLOSURE OF CPNI

Bandwidth.com may disclose CPNI in the following circumstances:

- When the Customer has approved use of their CPNI for Bandwidth.com or Bandwidth.com and its joint venture partners and independent contractors (as the case may be) sales or marketing purposes.
- When disclosure is required by law or court order.
- To protect the rights and property of Bandwidth.com or to protect Customers and other carriers from fraudulent, abusive, or unlawful use of services.
- When a carrier requests to know whether a Customer has a preferred interexchange carrier (PIC) freeze on their account.
- For directory listing services.
- To provide the services to the Customer, including assisting the Customer with troubles associated with their services.
- To bill the Customer for services.

#### PROTECTING CPNI

Bandwidth.com uses numerous methods to protect your CPNI. This includes software enhancements that identify whether a Customer has approved use of its CPNI. Further, all Bandwidth.com employees are trained on the how CPNI is to be

protected and when it may or may not be disclosed. All marketing campaigns are reviewed by a Bandwidth.com supervisory committee to ensure that all such campaigns comply with applicable CPNI rules.

Bandwidth.com maintains records of its own and its joint venture partners and/or independent contractors (if applicable) sales and marketing campaigns that utilize Customer CPNI. Included in this, is a description of the specific CPNI that was used in such sales or marketing campaigns. Bandwidth.com also keeps records of all instances in which CPNI is disclosed to third parties or where third parties were allowed access to Customer CPNI.

Bandwidth.com will not release CPNI during customer-initiated telephone contact without first authenticating the Customer's identity in the manner set-forth herein. Violation of this CPNI policy by any Bandwidth.com employee will result in disciplinary action against that employee as set-forth in Bandwidth.com's Employee Manual.

#### BREACH OF CPNI PRIVACY

In the event Bandwidth.com experiences a privacy breach and CPNI is disclosed to unauthorized persons, federal rules require Bandwidth.com to report such breaches to law enforcement. Specifically, Bandwidth.com will notify law enforcement no later than seven (7) business days after a reasonable determination that such breach has occurred by sending electronic notification through a central reporting facility to the United States Secret Service and the FBI. A link to the reporting facility can be found at: [www.fcc.gov/eb/cpni](http://www.fcc.gov/eb/cpni). Bandwidth.com cannot inform its Customers of the CPNI breach until at least seven (7) days after notification has been sent to law enforcement, unless the law enforcement agent tells the carrier to postpone disclosure pending investigation. Additionally, Bandwidth.com is required to maintain records of any discovered breaches, the date that Bandwidth.com discovered the breach, the date carriers notified law enforcement and copies of the notifications to law enforcement, a detailed description of the CPNI breach, including the circumstances of the breach, and law enforcement's response (if any) to the reported breach. Bandwidth.com will retain these records for a period of not less than two (2) years.

#### NOTIFICATION OF CHANGES TO THIS POLICY

If we change this CPNI Policy, we will post those changes to our website or in other places we deem appropriate, so that you can be aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it. If you decide to continue receiving your services after we make any changes to this the CPNI Policy, you shall be deemed to have given express consent to the changes in the revised policy.