



February 26, 2009  
Via ECFS Transmission

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

**RE: Yak America Inc. - 2008 CPNI Certification Filing**  
**EB Docket No. 06-36**

Dear Ms. Dortch:

Pursuant to the Commission's Public Notice of January 07, 2009, enclosed for filing please find the 2008 Annual CPNI Compliance Certification submitted on behalf of Yak America Inc., as required by section 64.2009(e) of the Commission's rules.

Any questions you may have concerning this filing may be directed to me at 407-740-3004 or via email to [rnorton@tminc.com](mailto:rnorton@tminc.com).

Sincerely,

Robin Norton  
Consultant to Yak America Inc.

RN/lm

cc: Best Copy and Printing, Inc. - [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM)  
cc: FCC Enforcement Bureau - (2 copies)  
cc: Valerie Ferraro - Yak  
file: Yak - FCC  
tms: FCCx0901

ANNUAL 47 C.F.R. § 64.2009(e) OFFICER'S CERTIFICATION OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for Calendar Year: 2008  
Name of company covered by this certification: Yak America Inc.  
Form 499 Filer ID: 821660  
Name of signatory: Jose Cadi  
Title of signatory: President / Director

I, **Jose Cadi**, certify and state that:

1. I am the **President / Director** of **Yak America Inc.** and, acting as an agent of the company, I have personal knowledge of **Yak America Inc.**'s operating procedures as they relate to CPNI, and the Rules and Regulations of the Federal Communications Commission regarding CPNI.
2. I hereby certify that, to the best of my knowledge, information and belief, **Yak America Inc.**'s operating procedures are adequate to ensure compliance with its CPNI obligations pursuant to Section 222 of the Communications Act of 1934, as amended, and the Commission's rules found at 47 CFR Subpart U.
3. Attached to this certification as Exhibit A 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.

  
\_\_\_\_\_  
Jose Cadi, President / Director

02-24-09  
\_\_\_\_\_  
Date

**Exhibit A**  
**Statement of CPNI Procedures and Compliance**

**Statement of CPNI Procedures and Compliance  
For 2008  
Yak America Inc.**

Yak America Inc. is a long distance provider offering 10-10 and 1+ long distance services in forty-eight states.

In 2008, we did not use or permit access to CPNI to market any telecommunications or non-telecommunications services. We have trained our personnel not to use CPNI for marketing purposes. Should we elect to use CPNI in future marketing efforts, we will follow the applicable rules set forth in 47 CFR Subpart U, including, if necessary, the institution of operational procedures to ensure that notification is provided and customer approval is obtained before CPNI is used or disclosed.

We have instituted authentication procedures to safeguard the disclosure of CPNI and to protect against attempts by third parties to gain unauthorized access to customer CPNI.

Maintaining the privacy of customers' information, including CPNI, is a condition of employment. All employees are required to execute a Confidentiality Agreement in order to begin employment at Yak. This Confidentiality Agreement, among other things, requires employees to hold customer information in the strictest confidentiality. This policy bars employees from disclosing such confidential information, and prohibits employees from removing confidential information upon conclusion of employment with Yak.

Violation of this policy may result in, among other actions, suspension of work, duties, diminution of responsibilities or demotion, and termination of employment. Additionally, we have adopted a Privacy Policy that all employees must follow as a condition of employment. Review and compliance with our Privacy Policy is required at the start of employment and must be reaffirmed annually. Yak's Privacy Policy sets forth strict procedures for the protection of confidential customer information. As part of its Privacy Policy, Yak has a designated Privacy Officer who is responsible for ensuring compliance with the Company's Privacy Policy.

Failure to abide by the Privacy Policy protecting customer confidential information subjects the employee to disciplinary action, up to and including termination of employment. Our privacy policy is also posted on the Company's website.

We maintain records of all contacts with our customers in our customer record database. All customer service personnel are required to record in the Yak customer record database their contacts with the customer. These records are stored for at least one year.

We do not disclose call detail over the telephone. Our customer service representatives will only discuss our customers' bills once the customer has specifically identified and provided the information in question. Alternatively, we will call the customer back at the phone number of record or mail to the address of record.

We do not disclose CPNI on-line. If we elect to do so in the future, we will follow the applicable rules set forth in 47 CFR Subpart U, including the implementation of authentication procedures that do not require the use of readily available biographical information or account information and customer notification of account changes.

When changes to customer information are requested, customers are notified by e-mail sent to the address associated with the account, without revealing the changed information or sending the notification to the new account information.

We have had no occasions where CPNI was disclosed to third parties in 2008, however we have procedures in place to maintain records of any such disclosures.

We do not have retail locations and therefore do not allow in-store access to CPNI.

We have not had any attempts by third parties to gain unauthorized access to customer information and therefore have no records to date of such breaches. However, we have procedures in place to notify law enforcement in the event of a breach of customers' CPNI and to ensure that customers are not notified of the breach before the time period set forth in the FCC's rules, or, if applicable, when so authorized by law enforcement.

We have not taken any actions against data brokers in the last year.

We have not received any customer complaints about the unauthorized release of CPNI or the unauthorized disclosure of CPNI in calendar year 2008.

We do not have any information with respect to the processes pretexters may use to attempt to access CPNI.