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February 27, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

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

Annual § 64.2009(e) CPNI Certification for 2008

Date filed: February 27, 2009

Name of company covered by this certification:

Bend Cable Data Services, LLC d/b/a BendBroadband

Form 499 Filer ID: **826089**

Name of signatory: **Melanie Grandjacques**

Title of signatory: **Vice President, Quality and Process**

Dear Ms. Dortch:

Pursuant to Section 64.2009(e) of the Commission's Rules, 47 C.F.R. § 64.2009(e), enclosed for filing in the above-referenced docket is the executed annual CPNI Compliance Certificate of Bend Cable Data Services, LLC d/b/a BendBroadband ("BendBroadband"). Attached to the certificate is a summary of BendBroadband's CPNI policies and procedures.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Hudson', written in a cursive style.

Paul B. Hudson
Counsel for Bend Cable Data Services, LLC

Enclosures

CERTIFICATE OF COMPLIANCE

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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2008

Date filed: February 27, 2009

Name of company covered by this certification:

Bend Cable Data Services, LLC d/b/a BendBroadband

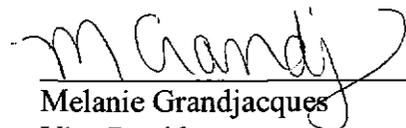
Form 499 Filer ID: **826089**

Name of signatory: **Melanie Grandjacques**

Title of signatory: **Vice President, Quality and Process**

I, Melanie Grandjacques, certify that I am an officer of Bend Cable Data Services, LLC d/b/a BendBroadband ("Company") and, acting as an agent of the Company, that I have personal knowledge that Company has established operating procedures, summarized in the attached statement, that are adequate to ensure compliance with the Commission's rules governing use and disclosure of confidential proprietary network information ("CPNI"), as governed by Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and as set forth in Part 64, Subpart U of the of the Commission's rules, 47 C.F.R. §§ 64.2001 *et seq.*

The Company has not received any customer complaints in the past calendar year concerning unauthorized access to or release of CPNI. Company does not have any material information with respect to the processes pretexters are using to attempt to access CPNI that is not already a part of the record in the Commission's CC Docket No. 96-115. Company has therefore not taken any actions in the past year against data brokers, including proceedings instituted or petitions filed by the company at either state commissions, the court system or at the Commission. The company has established procedures to report any breaches to the FBI and United States Secret Service, and it has emphasized in its employee training of the need for vigilance in identifying and reporting unusual activity in order to enable the company to continue to take reasonable measures to discover and protect against pretexting and other unauthorized access to CPNI.



Melanie Grandjacques
Vice President
Bend Cable Communications LLC
Executed February 16, 2009



**BendBroadband
CPNI Implementation Plan
Revised Effective: June 8, 2008**

The following summary describes the policies of Bend Cable Communications, LLC d/b/a BendBroadband (“BendBroadband”) that are designed to protect the confidentiality of Customer Proprietary Network Information (“CPNI”) and to assure compliance with the rules of the Federal Communications Commission (“FCC”) set forth in 47 C.F.R. Part 64, Subpart U, Section 2001 *et seq.* CPNI is “(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.”

BendBroadband’s policy, administered by its CPNI Compliance Officer Melanie Grandjacques, *Vice President, Quality and Process*, establishes the procedures and safeguards regarding BendBroadband’s use and disclosure of CPNI set forth below.

I. USE, DISCLOSURE OF, AND ACCESS TO CPNI

BendBroadband will use, disclose, or permit access to individually identifiable CPNI only in its provision of the communications service from which such information is derived; for services necessary to, or used in, the provision of such communications service, including the publishing of directories; to initiate, render, bill and collect for communications services; to protect the rights or property of BendBroadband, or to protect users or other carriers or service providers from fraudulent, abusive or unlawful use of, or subscription to, such services; to provide inside wiring installation, maintenance, or repair services; as required by law; or as expressly authorized by the customer.

Except as provided above, BendBroadband does not use CPNI to market service offerings among the different categories of service, or even within the same category of service, that it provides to subscribers. Although current BendBroadband policy is not to use CPNI in outbound marketing, in the event that any employee or agent wishes to use CPNI in such marketing or to seek customer approval for such use, such proposed use is subject to a supervisory review process that shall involve a supervisor designated by the senior employee responsible for marketing or the CPNI Compliance Officer. If such use is approved, BendBroadband shall modify these policies and conduct additional training as needed to assure compliance with the FCC’s rules.

BendBroadband does not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

II. SAFEGUARDS AGAINST DISCLOSURE OF CPNI TO UNAUTHORIZED PARTIES

The FCC’s rules require BendBroadband on an ongoing basis to “take reasonable measures to discover and protect against activity that is indicative of pretexting.” Above and beyond the specific FCC requirements, BendBroadband will take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. If any employee becomes aware of new methods that are being used or could be used by third parties to attempt to obtain



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unauthorized access to CPNI, or of possible changes to BendBroadband's existing policies that would strengthen protection of CPNI, they should report such information immediately to BendBroadband's CPNI Compliance Officer so that BendBroadband may evaluate whether existing policies should be supplemented or changed.

Inbound Calls Requesting CPNI

- CSRs must require an inbound caller to authenticate their identity to validate that customer is the person listed on the account prior to revealing any CPNI or account information to the caller.
- BendBroadband does not disclose Call Detail Information (CDI) to inbound callers. CDI is a subset of CPNI that includes 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 any call.
- If an inbound caller requests CDI, BendBroadband may disconnect the call and call the telephone number of record for the account to provide the requested information. The CSR may not rely on Caller ID information to assume that the caller is calling from such number; they must disconnect the inbound call and make a new outbound call to that number.
- BendBroadband may provide the requested CDI by sending the information by mail to a mailing address of record for the account, but only if such address has been on file with BendBroadband for at least 30 days.
- If an inbound caller is able to provide to the CSR the telephone number called, when it was called, and, if applicable, the amount charged for the call, exactly as that information appears on the bill, then the CSR is permitted to discuss customer service pertaining to that call and that call only. If the detail provided by the caller does not match on all categories, the CSR should not inform the caller which portion of the detail does not match (for example, they should not tell the customer there were no calls during a particular hour or that there are no calls to a particular number).

In-Person Disclosure of CPNI at BendBroadband Offices

- Company may disclose a customer's CPNI to an authorized person visiting a Company office upon verifying that person's identity through a valid, non-expired government-issued photo ID (such as a driver's license, passport, or comparable ID) matching the customer's account information.

Online Access

- To access CPNI online from Company's website, Customer must first register using a Customer Code that is mailed to their address of record after the initial



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service order is processed. The Customer Code is randomly assigned and is therefore not expected to consist of any material portion of the customer's account number, telephone number, name, street address, zip code, social security number, date of birth, or other biographical or account information.

- After completing the registration by correctly entering their Customer Code, the user must create a password. This password can only be changed in the future only online and only after the user has correctly entered their password. When establishing or changing a password, the website instructs the user that passwords should not consist of any portion of their name, account number, telephone number, street address, zip code, social security number, birthdate, words, or easily-guessed strings of characters.
- After the customer creates their own password for the first time, they are required to enter an email address of record for their account. This email address can only be changed online after the user has correctly entered their login ID and password.
- After the customer creates their own password for the first time, they are required to choose a Password Reminder Question from several options offered by the portal, and to type in their answer to the question that they choose. The questions are designed such that the answer is not expected to consist of any biographical or account information.
- If a customer forgets their password, the portal presents them with their Password Reminder Question. If they correctly answer the Question, their password is sent to them by email. If they are unable to correctly answer the question, they must call Company to request that a new password be sent to their address of record. New passwords will not be provided over the telephone to inbound callers.

Notice of Account Changes

When an address of record is created or changed, BendBroadband will send a notice to customer's prior address of record notifying them of the change. This notification is not required when the customer initiates service. When an online account is registered, or when a password or Password Reminder Question is created or changed, BendBroadband will send a notice to customer's current address of record notifying them of the change. These notices will not reveal the changed information and will direct the customer to notify BendBroadband immediately if they did not authorize the change.

Business Customer CPNI

- The authentication requirements for disclosure of CPNI do not apply to disclosure of business customer information by a dedicated account representative who



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knows through personal experience that the person requesting the information is an authorized representative of the customer and that the Service Agreement between BendBroadband and that business customer specifically addresses the protection of CPNI.

III. REPORTING CPNI BREACHES TO LAW ENFORCEMENT

- Federal law imposes very specific requirements upon BendBroadband in the event that any employee becomes aware of any breach of customer CPNI. A breach includes any instance in which any person has intentionally gained access to, used, or disclosed a BendBroadband customer's CPNI beyond their authorization to do so. Any BendBroadband employee that becomes aware of any breaches, suspected breaches or attempted breaches must report such information immediately to the BendBroadband CPNI Compliance Officer. Such information must not be reported or disclosed by any employee to any non-employee, including the potentially affected customer, except in express conformance with the procedures described below. Any employee that fails to report such information will be subject to disciplinary action that may include termination.
- BendBroadband's CPNI Compliance Officer is Melanie Grandjacques, who may be contacted at 541-312-6561.
- It is BendBroadband's policy that employees should not be discouraged from reporting information about breaches that may have been caused in part by their own actions or omissions. Once a breach has occurred, the most important objective is to attempt to limit the damage to our customers, make any adjustments as needed to prevent a recurrence of the breach, and to alert law enforcement promptly. Therefore, although employees who violate the BendBroadband CPNI compliance procedures are subject to discipline, the sanctions may be substantially reduced where employees promptly self-report violations if appropriate.

Identifying a "Breach"

- A "breach" has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI. If an employee has information about an incident and is not certain that the incident would not constitute a breach under this definition, the incident must be reported to the CPNI Compliance Officer.
- BendBroadband's CPNI Compliance Officer will determine whether it is appropriate to update BendBroadband's CPNI policies or training materials in light of new information; the FCC's rules require BendBroadband on an ongoing



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basis to “take reasonable measures to discover and protect against activity that is indicative of pretexting.”

Notification Procedures

- As soon as practicable, and in no event later than seven (7) business days upon learning of a breach, BendBroadband’s CPNI Compliance Officer shall electronically notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) by accessing the following link: <https://www.cpnireporting.gov>. Company’s FRN number and password may be required to submit a report. If this link is not responsive, they should contact counsel or the FCC’s Enforcement Bureau (202-418-7450 or <http://www.fcc.gov/eb/cpni>) for instructions.
- BendBroadband will not under any circumstances except as provided below notify customers or disclosing a breach to the public until 7 full business days have passed after notification to the USSS and the FBI. (A full business day does not count a business day on which the notice was provided.) Federal law requires compliance with this requirement even if state law requires disclosure.
- If BendBroadband receives no response from law enforcement after the 7th full business day, it must promptly proceed to inform the customers whose CPNI was disclosed of the breach.
- BendBroadband must delay notification to customers or the public upon request of the FBI or USSS. If BendBroadband’s CPNI Compliance Officer believes there is a need to disclose a breach sooner, it should so indicate in its notification to law enforcement. However, this notification does not itself permit disclosure; BendBroadband still may not notify customers sooner unless given clearance to do so from *both* the USSS and the FBI.

IV. RECORD RETENTION

- BendBroadband’s CPNI Compliance Officer is responsible for assuring that BendBroadband maintains for at least two years a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI pursuant to these procedures, and notifications of breaches made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach.
- BendBroadband maintains a record, for a period of at least one year, of those limited circumstances in which CPNI is disclosed or provided to third parties or where third parties were allowed access to CPNI; and of supervisory review of



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marketing that proposes to use CPNI or to request customer approval to disclose CPNI.

- BendBroadband maintains a record of all customer complaints related to their handling of CPNI, and records of BendBroadband's handling of such complaints, for at least two years. The CPNI Compliance Officer will assure that all complaints are reviewed and that BendBroadband considers any necessary changes to its policies or practices to address the concerns raised by such complaints.
- BendBroadband will have an authorized corporate officer, as an agent of the company, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that BendBroadband has established operating procedures that are adequate to ensure its compliance with FCC's CPNI rules. The certificate for each year will be filed with the FCC Enforcement Bureau in EB Docket No. 06-36 by March 1 of the subsequent year, and will be accompanied by a summary or copy of this policy that explain how Company's operating procedures ensure that it is in compliance with the FCC's CPNI rules. In addition, the filing must 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.

V. TRAINING

- BendBroadband employees must use a unique login and password to obtain access to databases that include CPNI. All employees with such access receive a copy of the company's CPNI policies and are informed that (i) any use or disclosure of CPNI or other act or omission not in compliance with such policies will result in disciplinary action, including the termination of employment where appropriate, and (ii) employees who knowingly facilitate the unauthorized disclosure of a customer's confidential information may be subject to criminal penalties. In addition, BendBroadband requires CPNI training for all Customer Care, Tech Support and Telephony operations personnel. The CSR training emphasizes, among other points, that CSRs be cognizant that some unauthorized persons may have significant apparent familiarity with a customer's biographical and account information.