

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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2008

Date Filed: March 2, 2009

Name of Company covered by this certification: EarthLink, Inc.

Form 499 Filer ID: 824758

Name of Signatory: Samuel R. DeSimone, Jr.

Title of Signatory: General Counsel

I, Samuel R. DeSimone, Jr., 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 did not take any actions concerning data brokers in 2008. I understand that companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

In 2008, the company did not receive any customer complaints concerning the unauthorized release of CPNI.

Signed:



2008 Compliance Statement

EarthLink has completed the implementation of an extensive compliance project to ensure its employees, agents, and systems are compliant with the Commission's CPNI rules.

- In December 2007, EarthLink distributed an internal CPNI Policy and Compliance document explaining the Commission's CPNI rules, how these rules impact EarthLink voice products, and what to do in the event of breach. This Policy and Compliance Procedures document was affirmatively acknowledged by relevant employees, integrated into new employee training, and distributed to EarthLink's outside sales agents.
- EarthLink's Internal CPNI Policy and Compliance document was revised in September 2008 to update internal contact information. This revised CPNI Policy and Compliance document was internally posted with other policies and procedures.
- EarthLink Customer Support personnel have been trained to understand and report potential CPNI issues.
- Reporting mechanisms for potential breaches have been established to comply with the requirement of notice to the Commission's Enforcement Bureau.
- EarthLink's personnel engaged in external sales and marketing were trained on the Commission's CPNI restrictions and record retention obligations.
- Password instructions discourage the use of readily available biographical information. These password protection rules apply to CPNI access through EarthLink's website and call centers.
- EarthLink employees that have access to CPNI were put on notice that any violation of the Commission's CPNI rules could result in disciplinary action up to and including termination.