

nextiva

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Commisison's Secretary
Marlene H. Dortch
Office of the Secretary
Federal Communication Division
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

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 26, 2009

Name of company covered by this certification: Nextiva, Inc.

Form 499 Filer ID: 827231

Name of signatory: Tracy Conrad

Title of signatory: President & CEO

I, Tracy Conrad, 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 (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. 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.

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

Signed _____

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Nextiva, Inc.
Filer ID 827231

Accompanying Statement to Annual Certification of CPNI
February 26, 2009

- a) Nextiva, Inc. has trained all personnel with access to CPNI as to the identification of CPNI and when CPNI may be used and has an express disciplinary process in place for any improper use of CPNI.
- 1) A formal training for all employees was performed. All employees attending the training signed a form documenting they had attended. The training will be performed annually for employees with access to or who use CPNI for normal business purposes. An annual reminder of the policy will be sent to all employees.
 - 2) The training covered the definition of CPNI, when CPNI can be used, when a password is required for customer authentication and the disciplinary process for any improper use of CPNI.
 - 3) A signed acknowledgement was obtained by each employee stating that they understand Nextiva's CPNI policy and agree to comply with the terms of the policy. Violation of the policy will lead to disciplinary action up to and including termination.
 - 4) The CPNI policy has been included in the new hire packets for all new employees and a signed acknowledgement will be received.
- b) Nextiva, Inc. has not used CPNI in any sales or marketing campaign to date.
- c) Nextiva, Inc. has not sought customer approval of the use of CPNI since CPNI was not used. The Nextiva Privacy Policy notifies customers of their right to opt-out of marketing programs and offers the procedure to do so. A database of these customers is maintained and managed by the CPNI Administrator. Nextiva has not received notification of any opt-out to date. The policy is provided to all new customers and is posted on the company website.
- d) According to policy, no outbound sales and marketing campaign can be conducted without management approval and any such campaign would require supervisory and CPNI Administrator review to assure compliance with the CPNI rules.