

STATEMENT OF PROCEDURES
ADOPTED BY EARTHLINK, INC.

TO ENSURE COMPLIANCE WITH THE FEDERAL
COMMUNICATIONS COMMISSION RULES AND REGULATIONS
PERTAINING TO THE PROTECTION OF
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)

EarthLink, Inc. (hereafter "the Company") has established operating procedures that ensure compliance with the Federal Communication Commission's ("Commission") rules and regulations regarding the protection of consumer proprietary network information ("CPNI") as stated in 47 CFR Ch. 1 § 64.2005.

The Company has implemented a system whereby the status of a customer's CPNI approval can be determined prior to the use of CPNI.

The Company has implemented a process whereby it educates and trains its personnel, including sales agents, regarding the appropriate use of CPNI. The Company has established disciplinary procedures should any of its personnel violate the CPNI procedures of the Company.

The Company has implemented a system whereby it maintains a record of its sales and marketing campaigns that use its customers' CPNI. Carrier has implemented a system whereby it maintains, for a minimum of one year, a record of any and all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record includes a description of each campaign, the specific CPNI that was used in the campaign, and what products and/or services were offered as a part of the campaign.

The Company has established a supervisory review process regarding compliance with the CPNI rules and regulations with respect to outbound marketing situations and has implemented a system whereby it maintains records of carrier compliance for a

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

EB Docket 06-36

Annual 64.2009(E) CPNI Certification for year 2010 covering the prior calendar year 2009.

Date Filed: February 3, 2010

Name of company(s) 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 (including those mandating the adoption of CPNI procedures, training, recordkeeping and supervisory review) 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.

The company represents and warrants the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may be subject to enforcement action.

Signed 

Attachments: Accompanying Statement explaining CPNI procedures