AMERICAN FIBER NETWORK

February 12, 2010

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Certification of CPNI Filing (February 12, 2009)
EB-06-TC-060
EB Docket No. 06-36

Dear Ms. Dortch:

Enclosed please find American Fiber Network, Inc.'s ("AFN") Compliance Certificate as required by 47 C.F.R. §64.2009(e), for the period January 1, 2009-December 31, 2009, along with the Company's accompanying statement explaining how its operating procedures ensure compliance with the rules.

Sincerely,

Robert E. Heath
EVP
American Fiber Network, Inc.

Attachment

Cc: Byron McCoy, Enforcement Bureau (via email)
Best Copy and Printing (via email)

9401 Indian Creek Parkway, Suite 280 · Overland Park, KS · Telephone (913) 338-2658 · 1-800-864-0583 · (913) 661-0538

Annual 64.2009(e) CPNI Certification for 2010

EB Docket 06-36

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

1. Date filed: February 12, 2010

2. Name of Company covered by certificate: American Fiber Network, Inc.

3. Form 499 Filer ID: 821538

4. Name of signatory: Douglas C. Bethell

5. Title of signatory: President

6. Certification:

I, Douglas C. Bethell, 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, record keeping, and supervisory review) set forth in section 64.2001 *et seq*. of the Commission's rules.

The company has not taken actions (i.e., 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.

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

The company represents and warrants that 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.W. Code and may subject it to enforcement action.

Signed Douglas C Bethell

Attachments: Accompanying Compliance Statement explaining CPNI procedures

American Fiber Network, Inc.'s Compliance Statement Regarding CPNI

For the Period January 1, 2009-December 31, 2009

Compliance with 47 C.F.R § 64.2001-2009

Notice and Approval.

AFN is in compliance with the rules requiring notice and approval to use customer proprietary network information (CPNI). AFN's processes require that new customers signed a CPNI use authorization. This authorization is kept on file in AFN's offices in both paper and electronic form. AFN does not conduct marketing campaigns that use CPNI. If it did, AFN would not use the CPNI of those customers who withheld approval.

Protecting Confidentiality.

AFN maintains the security of CPNI. AFN has security measures in place to protect this data from:

- external attacks to its network,
- improper use of web portals provided to wholesale and retail customers,
- improper use of FTP (file transfer protocol) sites where customers can obtain data, and
- Improper verbal requests for data via personal contacts with AFN's Customer Care.

All of AFN's network equipment and servers are located in facilities where AFN maintains the physical security of the building. At a network level, AFN employs several firewalls to secure the infrastructure and management of its network. AFN also uses secure ID technology for access to its local area network (LAN). AFN's network equipment is behind additional firewalls on its own dedicated network with limited employee access.

AFN's web portals allow toll data to be viewed and downloaded by our retail customers. It has login/password security and uses encryption to ensure the security of this information. The web portal allows customers to only access their specific toll records. AFN's FTP site allows wholesale customers to obtain their specific toll records. AFN's web portal and FTP sites uses standard industry security and current state of the art firewall architecture. AFN has procedures in place in its Customer Care division that allow only customers of record to obtain their specific call detail information. AFN has a code of conduct and training for all employees concerning the use and handling of CPNI, and provides strict disciplinary measures for violations of the code. AFN does not provide CPMO to non-affiliated third parties and does not sell CPNI.

These operating procedures ensure AFN is in compliance with these CPNI rules.