



13865 Sunrise Valley Drive  
Herndon, VA 20171

February 24, 2010

Marlene H. Dortch  
Commission Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Suite TW-A325  
Washington, DC 20554

Re: XO Communications LLC/Docket No. 06-36

Dear Ms. Dortch:

Attached please find XO Communications LLC's Customer Proprietary Network Information (CPNI) Certification (EB Docket No. 06-36). Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Gegi Leeger".

Gegi Leeger  
Director – Regulatory Contracts

Cc: FCC, Enforcement Bureau, Telecommunications Consumers Division  
Best Copy and Printing, Inc.

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

Annual 64.2009(e) CPNI Certification for 2010

Date filed: February 24, 2010

Name of company covered by this certification: XO Communications LLC

Form 499 Filer ID: 822748

Name of signatory: Simone Wu

Title of signatory: SVP, General Counsel

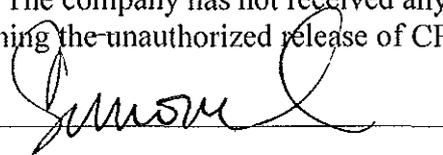
I, Simone Wu, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

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 systems, or at the Commission) 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.

Signed

A handwritten signature in black ink, appearing to read "Simone Wu", is written over a horizontal line.

### CPNI Use

- We use, disclose or permit access to CPNI to provide or market service offerings within the categories of service – local, interexchange and enhanced services – to which the Customer already subscribes.
- Without Customer approval, we do not use, disclose or permit access to CPNI to provide or market service offerings within a category of service to which the Customer does not already subscribe, except as permitted by FCC rules (e.g., provide inside wiring installation, maintenance and repair services, etc).
- We do not use, disclose or permit access to CPNI to identify or track Customers that call competing service providers. For example, as a local exchange carrier, we do not use local service CPNI to track Customers that call local service competitors.
- We apply all CPNI rules to XO's Interconnected VoIP Services.

### CPNI Approvals

- When Customer approval to use, disclose or permit access to Customer CPNI is desired, we obtain approval through written or oral methods. (However, we only utilize the oral authorization to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts; such CPNI authority, if granted, lasts only for the duration of that specific call). We will honor a Customer's approval or disapproval until the Customer revokes or limits such approval or disapproval.
- Subject to FCC requirements and Customer approval, we use a Customer's individually identifiable CPNI to market communications-related services to that Customer. We do not disclose or allow access to Customers' individually identifiable CPNI to our joint venture partners or independent contractors for marketing or sales purposes for any Customer who has not given "opt-in" consent for such use of their CPNI.

### CPNI Notice Requirements

- We notify and inform our Customers of the right to restrict the use or disclosure of, and access to, CPNI along with a solicitation of approval, and we maintain records of that notification for at least one year.
- Our notifications provide information sufficient to enable our Customers to make informed decisions as to whether to permit the use or disclosure of, or access to, their CPNI. Our notifications do: (a) contain a statement that the Customer has a right, and we have a duty, under federal law, to protect the confidentiality of CPNI; (b) specify the types of information that constitute CPNI and the specific entities that will receive CPNI; (c) describe the purposes for which the CPNI may be used; and (d) inform the Customer of the right to disapprove those uses and deny or withdraw access to CPNI use at any time. With regard to the latter, we indicate that any approval, or disapproval, will remain in effect until the Customer affirmatively revokes or limits such approval or denial.
- We advise the Customer of the precise steps the Customer must take in order to grant or deny access to CPNI, and we clearly state that a denial of approval will not affect the provision of any services to which the Customer subscribes.

- For “opt-out” approvals, we wait at least 30 days after giving Customers notice and an opportunity to opt-out before assuming Customer approval to use, disclose, or permit access to CPNI. Customers are notified of the applicable waiting period in the “opt-out” notice that is sent. For electronic notifications, we recognize that the waiting period begins to run on the date the notification is sent and, for mail notifications, the 30 days begins to run on the third day following the date the notification was mailed. XO does not solicit CPNI authority via e-mail.
- For “opt-out” approvals, we provide notices to our customers bi-annually, and we make available to every customer various methods to opt-out that are at no additional cost to the Customer and are available 24 hours a day, seven days a week.

#### **CPNI Safeguards**

- We have implemented a system by which the status of a Customer’s CPNI approval can be clearly established prior to the use of the CPNI.
- We have trained our personnel as to when they are, and are not, authorized to use CPNI, and we have a disciplinary process in place to deal with employee failures.
- We have trained our personnel concerning carrier authentication requirements and we do not release Customers’ CPNI over the phone. If an authenticated Customer requests CPNI, it is sent to the “address of record.”
- We use passwords to protect online access to CPNI. XO does not rely on readily available biographical information or account information to authenticate a customer’s identity before a customer accesses CPNI online.
- XO does not have retail locations.
- We have implemented a system to notify customers immediately of certain account changes and have trained appropriate personnel.
- We have trained our employees that a record must be maintained for our sales and marketing campaigns that use Customers’ CPNI and have an appropriate document retention policy.
- We use outbound telemarketing in limited circumstances and customer data is only used by XO’s outbound telemarketers in a manner consistent with FCC rules.
- We have trained our personnel to protect against fraudulent acquisition of Customer CPNI (“pretexting”) and continue to develop measures to protect against activity that is indicative of pretexting.
- We have developed a notification process to notify appropriate parties if and when a CPNI security breach occurs and trained our personnel. We have a method for maintaining a record of any breach and subsequent customer notification.
- We have a corporate officer who acts as agent for the Company and is responsible for signing the compliance certificate stating that the officer has personal knowledge that the Company has established operating procedures adequate to ensure compliance with applicable CPNI rules and file such compliance certificate with the FCC as required.