



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

February 25, 2010

John W. Kuzin
202.719.3506
jkuzin@wileyrein.com

VIA ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Suite TW-A325
Washington, DC 20554

Re: Annual CPNI Certification – EB Docket No. 06-36

Dear Secretary Dortch:

Airband Communications, Inc. (“Airband”), by its undersigned attorneys, hereby submits its 2009 CPNI Compliance Certification and accompanying statement of company procedures to ensure compliance with the Commission’s CPNI rules pursuant to FCC Rule Section 64.2009(e). *See* 47 C.F.R. § 64.2009(e).

Sincerely,

John W. Kuzin

John W. Kuzin

Atts.

cc: Best Copy and Printing, Inc.
via FCC@BCPIWEB.COM

Airband Communications, Inc.

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

EB Docket 06-36

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

Date signed and filed: February 25, 2009

Name of company covered by this certification: Airband Communications, Inc.

Form 499 Filer ID: 825978

Name of signatory: Lynn McNeill

Title of signatory: VP of Finance and Controller

I, Lynn McNeill, certify that I am an officer of Airband Communications, Inc. ("Airband"), 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 FCC's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is a statement explaining the company procedures that ensure Airband is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules, including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review.

The company has not taken any actions against data brokers in the past calendar year.

The company also has not received any customer complaints in the past year concerning the unauthorized release of CPNI. The steps that Airband is taking to protect CPNI also are described in the attached statement, which summarizes the operating procedures for compliance with the FCC's CPNI rules.

This certification is made to the best of my knowledge, information and belief. Airband represents and warrants that this certification is consistent with 47 C.F.R. § 1.17, which requires truthful and accurate statements to the Commission. Airband also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.


Lynn McNeill

**STATEMENT REGARDING OPERATING PROCEDURES
GOVERNING CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)**

The following statement explains the operating procedures of Airband Communications, Inc. (“Company”) to ensure compliance with the Customer Proprietary Network Information (“CPNI”) rules of the Federal Communications Commission (“Commission” or “FCC”).

1. To the extent the Company accesses or maintains CPNI, the Company uses, discloses and permits access to CPNI only for the purpose of (a) providing a customer with the requested service; (b) to initiate, render, bill and collect for its telecommunications services; (c) to provide inbound telemarketing, referral, or administrative services to subscribers for the duration of the call, if such call is initiated by the subscriber and the subscriber approves of the use of such CPNI to provide such service; or (d) for the purpose of providing customer premises equipment (“CPE”).
2. The Company does not use, disclose or permit access to CPNI for outbound marketing purposes (either internally or by third parties).
3. The Company does not provide Call Detail Record (“CDR”) information over the telephone to customers who contact the Company. The Company also does not provide access to any CPNI (CDR or non-CDR) on-line. The Company does not have any retail locations.
4. The Company will disclose CPNI upon affirmative written request or telephone request by a customer, but does not provide such CPNI over the telephone, but instead by sending it to the customer’s address of record.
5. Within 7 business days of a reasonable determination of breach (*i.e.*, CPNI disclosed to a third party without customer authorization), the Company will notify the US Secret Service (“USSS”) and Federal Bureau of Investigation (“FBI”) of the breach via the central reporting facility www.fcc.gov/eb/cpni.
 - After 7 full business days following such USSS and FBI notice, if the Company has not received written direction from the USSS or FBI, the Company will notify the customer of the breach, unless the USSS and FBI have extended the period for such notice.
 - For 2 years following USSS and FBI notice, the Company will maintain a record of (1) discovered breaches and dates of such discoveries; (2) any notifications to the USSS and FBI and the dates of such notifications; (3) any USSS and FBI responses; (4) a detailed description of any CPNI that was breached; and (5) the circumstances of any such breaches.
6. The Company’s employees are trained as to the proper protection, uses and treatment of CPNI, including familiarity with the Company’s internal CPNI policies and procedures.
7. The Company employs a policy with appropriate consequences should any employee violate the Company’s internal CPNI policies and procedures. Such consequences include, but are not limited to, financial, legal and disciplinary actions, including termination and referrals to law enforcement when appropriate.