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

EB Docket 06-36

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

1. Date filed : February 22, 2010

2. Name of company(s) covered by this certification: Windy City Cellular LLC

3. Form 499 Filer ID: 827513

4. Name of signatory: Andilea Weaver

5. Title of signatory : Vice President/Chief Financial Officer

6. Certification :

I, Andilea Weaver, 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 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.S. Code and may subject it to enforcement action.

Signed Andilea M. Weaver

Attachments: Accompanying Statement explaining CPNI procedures

CPNI Compliance Accompanying Statement:
Year: 2010 covering the prior calendar year 2009

Windy City Cellular LLC

This accompanying statement explains how Windy City Cellular LLC's operating procedures ensure that the company is in compliance with the rules governing CPNI as found in Subpart U – Customer Proprietary Network Information – Part 64 of Title 47 of the Code of Federal Regulations.

Windy City Cellular LLC adheres to all CPNI rules as stated in section 64.2001 – 64.2011 concerning the proper use of our customer's CPNI. Specifically, our notice for use of CPNI approval process meets all requirements as listed in Section 64.2008. To further protect our customer's privacy, we have implemented all safeguards required in Section 64.2009. This includes:

- The implementation of a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI;
- The training of appropriate personnel as to when they are, and are not, authorized to use CPNI and the documentation of this training;
- The implementation of an express disciplinary process for CPNI violations up to and including termination;
- The maintenance of a record, for at least one year, of our own, and our affiliates' sales and marketing campaigns ;
- The establishment of a supervisory review process regarding carrier compliance with the federal CPNI rules for outbound marketing situations; and
- The establishment of annual certification by a corporate officer with personal knowledge of Windy City Cellular LLC's policies and procedures to ensure compliance with the federal CPNI rules.
- The establishment of procedures for notification of the Commission of any instance where opt-out mechanisms, do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

Windy City Cellular LLC has on file with the FCC its CPNI Manual, without the sample Forms, as further detailed explanation of how its procedures ensure that it is in compliance with the rules in Subpart U of Part 64, of Title 47 of the Code of Federal Regulations.

ADAK TELEPHONE UTILITY
ADAK CABLEVISION
WINDY CITY BROADBAND
WINDY CITY CELLULAR

ADAK EAGLE ENTERPRISES LLC

CPNI

POLICIES & PROCEDURES

MANUAL

Approved by:

Andilea Weaver 12/31/07
Vice President/CFO Date

Effective: 12/31/07

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Definitions

This Adak Eagle Enterprises LLC (hereinafter Adak) CPNI policy manual relies on the following definitions:

(1) **Account information.** "Account information" is information that is specifically connected to the customer's service relationship with Adak, including such things as an account number or any component thereof, the telephone number associated with the account, or the bill's amount.

(2) **Address of record.** An "address of record," whether postal or electronic, is an address that the carrier has associated with the customer's account for at least 30 days.

(3) **Affiliate.** The term "affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another to own an equity interest (or the equivalent thereof) of more than 10 percent.

(4) **Breach.** When a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.

(5) **Call detail information.** Any information that pertains to the transmission of specific telephone calls, including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

(6) **Communications-related services.** The term "communications-related services" means telecommunication services, information services typically provided by Adak and services related to the provision or maintenance of customer premises equipment.

(7) **Customer.** A customer of Adak is a person or entity to which Adak is currently providing service.

(8) **Customer premises equipment (CPE).** The term "customer premises equipment (CPE)" means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(9) **Customer Proprietary Network Information.** The term "customer proprietary network information" means –
(A) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of Adak, and that is made available to Adak solely by virtue of the Adak-customer relationship; and
(B) information contained in the bill pertaining to telephone exchange service or telephone toll service received by a customer of Adak; except that such term does not include subscriber list information.

(10) **Data broker.** A person or business that offers for sale CPNI obtained by pretexting.

(11) **Data bureau.** A company that provides information technology services to telecommunications carriers, specifically billing services and customer record detail. Data bureaus typically have access to call detail CPNI (see Independent contractor).

(12) **FCC.** The acronym "FCC" refers to the Federal Communications Commission.

(13) **Independent contractor**. Any person or business that may provide services to telecommunications carriers. This includes, but is not limited to; joint venture partners and independent contractors for the purposes of marketing communications-related services to a customer; billing services; customer record detail; central office equipment vendors; engineering; and construction. Independent contractors typically have access to call detail and/or non-call detail CPNI.

(14) **Information services typically provided by Adak.** The phrase "information services typically provided by Adak" means only those information services that are typically provided by Adak, such as Internet access or voice mail services. Such phrase "information services typically provided by Adak," as used in this manual, shall not include retail consumer services provided using Internet website (such as travel reservation services or mortgage lending services), whether or not such services may other wise be considered to be information services.

(15) **Joint venture partners** (short term alliances of telecommunications carriers) **and independent contractors** (see Independent contractors) **for the purposes of marketing communications-related services to a customer**. A specific subset of persons or businesses that provide marketing services to telecommunications carriers. Any marketing use of CPNI by this subset must have opt-in approval by the affected customers.

(16) **Local exchange carrier (LEC).** The term "local exchange carrier (LEC)" means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under section 332(c) of TA-96, except to the extent that the Commission finds that such service should be included in the definition of such term.

(17) **Opt-in approval.** The term "opt-in approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that Adak obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the Adak's request consistent with the requirements.

(18) **Opt-out approval.** The term "opt-out approval" refers to a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the waiting period described after the customer is provided appropriate notification of Adak's request for opt-out consent consistent with the rules.

(19) **Password.** The term "password" means a secret word or sequence of alpha and numeric characters which is used to limit access to a customer's account to authorized individuals.

(20) **Pretexting.** The term "pretexting" means the practice of pretending to be a particular customer or other authorized person in order to obtain access to that customer's call detail or other private communications records.

(21) **Readily available biographical information.** "Readily available biographical information" is information drawn from the customer's life history and includes such things as the customer's social security number, or the last four digits of that number; mother's maiden name; home address; or date of birth.

(22) **Subscriber list information (SLI).** The term "subscriber list information" means any information –
(A) identifying the listed names of subscribers of Adak and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and
(B) Adak or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(23) **Adak or carrier.** The terms "Adak Telecom," "Adak," or "carrier" shall have the same meaning. For CPNI this term shall include provision of interconnected VoIP service.

(24) **Telecommunications service.** The term "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(25) **Telephone number of record.** The telephone number associated with the underlying service, not the telephone number supplied as a customer's "contact information."

(26) **Valid photo identification.** The term "valid photo identification" means an official identification document issued by a federal or state governmental agency that identifies the holder of the document that includes a photograph of sufficient clarity to positively identify the holder of the document.

Company Policy Regarding CPNI

Adak has chosen not to use CPNI data that enables the company or its affiliates to market additional products or services. Accordingly, Adak's personnel are trained not to use CPNI for such purposes. Because CPNI is not used for marketing purposes, Adak has established the appropriate safeguards for this type of treatment (non-use) of CPNI data. These safeguards include documentation of this policy in this manual and training of Adak personnel with regard to non-use of CPNI data.

In this effort, the Company must follow all applicable FCC rules as contained in Subpart U – Customer Proprietary Network Information – of Part 64 of Title 47 of the Code of Federal Regulations. Specific Adak procedures are as follows:

ACCESS TO CPNI DATA

Access to CPNI data is limited to employees or entities with the requisite proper authorization as allowed by FCC rules. Any employees or entities with CPNI access must operate under policies that require nondisclosure of confidential information. Improper use or disclosure of CPNI by employees is subject to disciplinary action up to and including termination.

Marketing Programs

No Adak marketing campaigns are related to CPNI. As a logical outcome of this policy, Adak uses neither opt-in nor opt-out approval from customers with regard to any marketing.

Contact the Human Resources Director if you are uncertain as to the type of information you can use in marketing services to customers.

CUSTOMER NOTICE AT INITIATION OF SERVICE

Customers are informed during the initiation of service with Adak that their CPNI data is not used for marketing purposes. Customers receive annual reminders (Form 8-W or Form 8-WO) of this CPNI policy.

CUSTOMER NOTICE

Adequate notice with respect to customer CPNI rights and Adak's duty to protect CPNI is provided in Adak's telephone directory. In addition, a CPNI notice is printed periodically on the customer's billing statement.

RECORD OF CUSTOMER COMPLAINTS CONCERNING THE UNAUTHORIZED RELEASE OF CPNI

All customer complaints concerning the unauthorized release of CPNI will be logged (Form 9) and retained for a period of five years. This information is summarized and included with Adak's annual certification to the FCC.

Release of Call Detail Information (Forms 7-W & 8-WO)

CUSTOMER INITIATED TELEPHONE ACCOUNT ACCESS

Release of any CPNI information requested by the customer via a telephone call is prohibited except when:

- the requesting individual provides the password of record; or
- the information will be sent via mail USPS to the customer's address of record; or
- Adak will call the telephone number of record and disclose the call detail information.

If the customer has forgotten their password or does not have a password established, Adak can proceed with routine customer care procedures if the customer can provide all of the call detail information. Adak will not disclose any call detail other than the information the customer disclosed during that particular contact.

RETAIL LOCATION ACCOUNT ACCESS

Customers or their authorized contacts as allowed by the Telecommunications Act of 1996 – Section 222(c)(2) must have a valid, government issued photo identification, such as a driver's license, passport, or comparable ID to obtain CPNI information.

ON-LINE ACCOUNT ACCESS

Adak requires an on-line password to protect on-line access to CPNI. Passwords will be designed by the customer and will consist of alpha and numeric characters. On-line passwords are not required if the customer chooses to receive call detail information via either of the two methods above.

Adak will authenticate both new and existing customers seeking on-line access to their CPNI.

Adak can reinitialize existing passwords for on-line access but will NOT base on-line access on readily available biographical or account information. This procedure will relate to all customer information, not just call detail.

On-line access to CPNI will be blocked after five (5) unsuccessful attempts to log on.

NOTIFICATION OF ACCOUNT CHANGES

Adak will notify (Form 5) any customer immediately of any account changes including password, customer response to company designed back-up means of authentication, on-line account, address of record, and any other record that may be created or changed. This notification will be through a voicemail or by USPS mail to the address of record as it was prior to the change.

New customers are exempt from this notification at service initiation.

PROCEDURES TO PROTECT AGAINST PRETEXTING

Pretexting is the practice of pretending to be a particular customer or other authorized person in order to obtain access to that customer's call detail or other private communications record. The Company has employed the above procedures and safeguards in order to achieve reasonable measures designed to discover and protect against pretexting.

Annual Certification

Adak will certify annually (Form 2) compliance to the CPNI rules. This certification will be filed with the FCC and will be made publicly available by request.

Adak's annual certification will be signed by an officer as an agent of Adak, stating that he/she has personal knowledge the company has established operating procedures that are adequate to comply with the FCC CPNI rules.

In addition to the annual certification, Adak will provide an accompanying statement explaining how the company's procedures ensure the company is or is not in compliance with the FCC's CPNI rules. In the explanation, Adak will include:

- the training employees receive to protect CPNI.
- the disciplinary process applicable to improper disclosure of CPNI.
- other measures relevant to demonstrate compliance with the FCC's CPNI rules.

Notice of Unauthorized Disclosure of CPNI

Adak is required by FCC rules to notify law enforcement of any CPNI breaches no later than seven (7) days after a reasonable determination of a breach has occurred. Adak will send an electronic notification through the central reporting facility to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI). This notification will include a description of the CPNI that was disclosed, how the breach was discovered, an analysis of the sensitivity of the breached CPNI, and any corrective measures taken to prevent recurrence of such breach.

Responsibility to notify USSS and FBI has been assigned to the Vice President/CFO.

NOTIFICATION OF CPNI SECURITY BREACHES

(1) *Notification of law enforcement agencies* (Form 3). Adak will notify law enforcement of a breach of its customers' CPNI as stated in this section of Adak's CPNI manual. Adak will not notify any of its customers or disclose the breach publicly, whether voluntarily or under state or local law or these rules, until it has completed the process of notifying law enforcement as required and spelled out below.

(2) *Limitations.* As soon as practicable, but in no event later than seven (7) business day, after reasonable determination of the breach, Adak shall electronically notify the **United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI)** through a central reporting facility. This will be done through the FCC's link to the reporting facility at http://www.fcc.gov/eb/cpni.

a) Notwithstanding any state law to the contrary, Adak shall not notify customers or disclose the breach to the public until 7 full business days have passed after notification to the USSS and the FBI except as in the following two parts of this section.
b) If Adak believes that there is an extraordinarily urgent need to notify any class of affected customers sooner than otherwise allowed under the above paragraph of this section, in order to avoid immediate and irreparable harm, it shall so indicate in its notification and may proceed to immediately notify its affected customers only after consultation with the relevant investigating agency. Adak shall cooperate with the relevant investigating agency's request to minimize any adverse effects of such customer notification.
c) If the relevant investigating agency determines that public disclosure or notice to customers would impede or compromise an ongoing or potential criminal investigation or national security, such agency may direct Adak not to disclose or notify for an initial period of up to 30 days. Such period may be extended by the agency as reasonably necessary in the judgment of the agency. If such direction is given, the agency shall notify Adak when it appears the public disclosure or notice to affected customers will no longer impede or compromise a criminal investigation or national security. The agency shall provide in writing its initial direction to Adak, any subsequent extension, and any notification that notice will no longer impede or compromise a criminal investigation or national security and such writing shall be contemporaneously logged on the same reporting facility that contains records of notifications filed by carriers.

(3) *Customer Notification* (Form 4). After Adak has completed the process of notifying law enforcement as listed above, it shall notify its customers of a breach of those customers' CPNI.

(4) *Recordkeeping.* Adak will maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI as defined in the above section of this manual, and all notifications made to customers. This record must include, if available:

a) Dates of discovery and notification.
b) A detailed description of the CPNI that was the subject of the breach.
c) The circumstances of the breach.
d) Adak will retain the record for a minimum of 2 years.

(5) *Supersede.* This section does not supersede any statute, regulation, order, or interpretation in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this section, and then only to the extent of the inconsistency.

SAFEGUARDS BY Adak

CUSTOMER RECORDS

Customer service records will clearly establish customer CPNI approval. Record of this approval will be kept for a minimum of one year.

All personnel of Adak will be trained annually or upon commencement of employment regarding CPNI policies. These policies include when the employee is authorized to use and when they are NOT authorized to use CPNI. Any infractions of Adak's CPNI policies will be reported to the Vice President/CFO and a record will be made of the infraction(s) and the disciplinary steps taken.

Discipline policy

CUSTOMER PROPRIETARY NETWORK INFORMATION

All customer proprietary network information (CPNI) in the possession of the Company pertaining to the provision of telecommunication exchange service or exchange access will be kept and maintained by the Customer Service Department.

CPNI is information that relates to the quantity, technical configuration, type, destination and amount of use of telecommunications service subscribed by a Customer and that is made available to the Company by the customer solely by virtue of the relationship of the customer to the Company. CPNI includes information contained in Company bills to the customer.

The Customer Care Department, all employees of that Department and all individuals with access to customer information may not disclose or permit access to CPNI for any purpose including for the purpose of marking a service offering to a customer to which the customer does not already subscribe.

All requests for CPNI, including requests originating from other Company departments, law enforcement or other government agencies, must be made in writing to the Vice President/CFO. In the absence of the Vice President, written requests may be made to the President. A written response will be provided to valid request for CPNI within ten days by an authorized individual. No other individual is authorized to respond to requests for CPNI or to ask questions regarding such requests.

Employees who violate this policy are subject to discipline up to and including discharge, depending upon the seriousness of the offense in the judgment of management.

INTERFACE WITH CALEA COMPLIANCE

In order to comply with certain Communications Assistance for Law Enforcement Agencies (CALEA) rules, Adak has engaged the services of a trusted third party provider. This third party provider is involved in the event of a request for certain types of surveillance activities by Law Enforcement Agencies (LEAs).

Adak has added the following addendum to its third party provider CALEA contract:
"Whereas Adak is required by law and its company policies to protect the privacy and security of the information regarding its customers,

To the extent that [Name of Third Party Provider], in rendering services for Adak receives customer proprietary network information, as that term is defined under 47 U.S.C. Section 222 and interpreted by the FCC ("CPNI"), [Name of Third Party Provider] shall maintain the confidentiality of such CPNI according to the policies and procedures implemented by Adak. [Name of Third Party Provider] shall promptly delete from its records any CPNI that is received by [Name of Third Party Provider] which is not delivered to an LEA pursuant to a lawfully authorized intercept request."

INTERFACE WITH CONTRACTORS

Adak has occasion to utilize contractors for specific projects needed to conduct its business. Adak requires all its contractors to include the following language in all agreements with Adak:

"Whereas Adak is required by law and its company policies to protect the privacy and security of the information regarding its customers,

To the extent that [Name of Contractor], in rendering services for Adak receives customer proprietary network information, as that term is defined under 47 U.S.C. Section 222 and interpreted by the FCC ("CPNI"), [Name of Contractor] shall maintain the confidentiality of such CPNI according to the policies and procedures implemented by Adak. [Name of Contractor] shall promptly delete from its records any CPNI that is received by [Name of Contractor] in its engagement with Adak."

TRAINING OF EMPLOYEES

EMPLOYEE TRAINING

The company provides training to employees on the proper use and disclosure of CPNI. The company also provides written documentation of CPNI policy on the company's internal website.

Included as a part of the employee training is the need to communicate to company employees that the customer is provided the opportunity to restrict company or affiliate use of CPNI data. The customer decision regarding Adak use of CPNI use will not affect Adak's provision of any current customer services.

Adak specific CPNI training will be provided annually and with each newly hired employee. Documentation of training (Form 1) will be kept on file for a period of at least five years.

ANNUAL REVIEW BY COMPANY MANAGEMENT

Adak treats customer privacy as a serious issue. Adak is proud of its long history of reliable, trustworthy service and is vigilant in the steps that will be taken to ensure customer privacy. Accordingly, Adak policy requires this CPNI Policy Manual to be reviewed on an annual basis. This review is conducted at a time set by the Human Resources Director each calendar year.

The Human Resources Director's annual review will include, but may not be limited to a review with GVNW Consulting, Inc. and a review with the Board of Directors.