555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM&WATKINS LLP

FIRM / AFFILIATE OFFICES
Abu Dhabi, Barcelona, Beijing, Brussels, Chicago, Doha, Dubai, Frankfurt, Hamburg, Hong Kong, London, Los Angeles, Madrid, Milan, Moscow, Munich, New Jersey, New York, Orange County, Paris, Rome, San Diego, San Francisco, Shanghai, Silicon Valley, Singapore, Tokyo, Washington, D.C.

February 25, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

On behalf of FairPoint Communications, Inc. and its operating subsidiaries ("FairPoint"), and pursuant to Section 64.2009(e) of the Commission's rules, please accept for filing the attached certification of FairPoint's compliance with the Commission's rules with respect to customer proprietary network information ("CPNI"). *See* 47 C.F.R. § 64.2009(e).

Please contact me should you have any questions concerning this filing.

Very truly yours,

Karen Brinkmann
Counsel for FairPoint Communications, Inc.

Enclosure

cc: Best Copy and Printing, Inc.

DC\1283365.1

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

EB Docket 06-36

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

1. Date filed: on or before March 1, 2010

2. Names of companies covered by this certification: See Attachment B (collectively, the "Company")

3. Form 499 Filer ID: See Attachment B

4. Name of signatory: Shirley J. Linn

5. Title of signatory: Executive Vice President and General Counsel, FairPoint Communications, Inc.

6. Certification:

I, Shirley J. Linn, certify that I am an officer of the Company and acting as an agent of the Company, and 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 (see Attachment A) explaining how the Company's procedures ensure that the Company is in compliance with the CPNI 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.,* instituted any proceeding or filed any petition at a state commission, a court, or 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.

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 enforceable action.

Signed: Shirley J. Linn

Attachment A:
Summary of FairPoint Procedures Related to the Protection of CPNI

FairPoint Communications, Inc. ("FairPoint") has instituted numerous procedures to ensure that it complies with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.* For example:

Customer Control of FairPoint's use of CPNI. FairPoint does not use CPNI for any purpose other than those specified in Section 64.2005 of the Commission's rules without customer consent. FairPoint's systems are designed to clearly identify whether and to what extent a customer has consented to the use or disclosure of CPNI, consistent with Section 64.2009(a) of the Commission's rules. Any FairPoint customer may change his or her CPNI preferences at any time by contacting FairPoint customer service.

Customer Notice. FairPoint obtains a customer's "opt out" consent only after providing the notice required by Section 64.2008 of the Commission's rules. FairPoint waits at least 33 days after such notice is provided before deeming a customer's consent to be effective. FairPoint renews the required notice at least once every two years. FairPoint's legal team reviews all such notices, and all requests for customer consent to the use or disclosure of CPNI, to ensure compliance with Section 64.2008. FairPoint also reviews all proposed uses of CPNI to determine whether additional customer notice and consent is required.

CPNI Access by FairPoint Personnel. FairPoint ensures that customers that have indicated a preference to "opt out" are not included in any list to be used in outbound sales and marketing campaigns (except as permitted by Section 64.2005 of the Commission's rules). FairPoint conducts a supervisory review of all internal requests to use CPNI in such campaigns, pursuant to Section 64.2009(d) of the Commission's rules. FairPoint also conducts a legal review of all contracts and other arrangements involving the potential disclosure of CPNI to third parties. FairPoint maintains records of all sales and marketing campaigns making use of CPNI, and instances (if any) when CPNI is disclosed or provided to third parties, consistent with Section 64.2009(c) of the Commission's rules.

CPNI Access by "Customers." Consistent with Section 64.2010 of the Commission's rules, FairPoint authenticates a customer's identity before providing access to that customer's call detail records. FairPoint will disclose call detail records in response to a customer-initiated telephone contact only: (i) if the customer first provides a password that is not prompted by FairPoint's request for readily available biographical information or account information; (ii) by sending the records to the customer's address of record; (iii) by placing a separate call to the customer's telephone number of record; or (iv) if the customer is able to provide call detail information without FairPoint's assistance (provided that FairPoint will then discuss only the call detail information provided by the customer). FairPoint will disclose CPNI in response to a customer's electronic request only by sending the requested information to the customer's address of record. FairPoint will disclose CPNI in response to a customer's in-person request only after the customer first presents a valid photo ID matching the customer's account information. Although FairPoint normally is able to authenticate all requests from "customers," FairPoint's procedures call for a supervisory review of requests from any "customer" who cannot be immediately authenticated. Consistent with Section 64.2010(f) of the Commission's rules,

FairPoint's systems generate a notification to a customer whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed.

CPNI Access by Third Parties. FairPoint conducts a legal or regulatory review of all requests for access to CPNI from non-FairPoint personnel (other than "customers") before granting such requests. In general, FairPoint does not share CPNI with third parties for marketing or any other purpose that would require affirmative customer "opt in" consent. FairPoint employs a trusted third party to review all warrants, court orders, subpoenas, and surveillance requests from law enforcement personnel.

Notification of Improper Access to CPNI. FairPoint has not experienced any CPNI-related security breaches in the past year. If such breaches were to occur, FairPoint would notify law enforcement, as well as customers where appropriate, pursuant to Section 64.2011 of the Commission's rules. Consistent with Section 64.2009(f) of the Commission's rules, FairPoint would also notify customers of any instances in which "opt out" mechanisms did not work properly to such a degree that customers' inability to "opt out" was more than an anomaly.

Self-Assessment and Training. Consistent with Section 64.2009(b) of the Commission's rules, FairPoint reviews, on an annual basis, the effectiveness of its internal procedures with respect to CPNI, and updates its training materials periodically to reflect changes in the Commission's rules and industry best practices. FairPoint requires all employees to receive CPNI training at least annually. Additional in-depth CPNI training is provided for employees in positions likely to be dealing with CPNI on a regular basis. All employees are instructed to report any concerns about violations of the company's CPNI policy to their supervisor. All employees are further instructed that violations of the CPNI policy, and failure to report suspected CPNI violations, can result in disciplinary action up to and including termination. These policies are codified in FairPoint's Employee Handbook.

Attachment B:
List of FairPoint Companies

B.E. Mobile Communications, Inc. (814763)
Bentleyville Communications Corporation (804795)
Berkshire Cable Corp. (824726)
Berkshire Telephone Corporation (802959)
Big Sandy Telecom, Inc. (801105)
Bluestem Telephone Company (811597)
Chautauqua & Erie Communications, Inc. (803052)
Chautauqua and Erie Telephone Corporation (803055)
China Telephone Company (808137)
Chouteau Telephone Company (803622)
Columbine Telecom Company (804097)
The Columbus Grove Telephone Company (809796)
Comerco, Inc. (822806)
Community Service Telephone Co. (808158)
C-R Long Distance, Inc. (801346)
C-R Telephone Company (801345)
El Paso Long Distance Company (808573)
The El Paso Telephone Company (808572)
Ellensburg Telephone Company (801162)
Elltel Long Distance Corp. (819056)
Enhanced Communications of Northern New England Inc. (827123)
ExOp of Missouri, Inc. Unite (821082)
FairPoint Carrier Services, Inc. (817480)
FairPoint Communications Missouri, Inc. (826139)
FairPoint Vermont, Inc. (809624)
Fremont Telcom Co. (813062)
Fretel Communications, LLC (819824)
The Germantown Independent Telephone Company (808407)
Germantown Long Distance Company (808407)
GTC, Inc. (801855)
Maine Telephone Company (808391)
Marianna and Scenery Hill Telephone Company (801375)
Marianna Tel, Inc. (816148)
Northland Telephone Company of Maine, Inc. (809625)
Northern New England Telephone Operations LLC (827121)
Odin Telephone Exchange, Inc. (808311)
Orwell Communications, Inc. (820810)
The Orwell Telephone Company (808314)
Peoples Mutual Long Distance Company (821666)
Peoples Mutual Telephone Company (802170)
Quality One Technologies, Inc. (820151)
Sidney Telephone Company (808390)
ST Long Distance, Inc. (804428)
St. Joe Communications, Inc. (808392)
Standish Telephone Company (808389)
Sunflower Telephone Company, Inc. (804429)
Taconic TelCom Corp. (808681)
Taconic Telephone Corp. (808680)
Telephone Operating Company of Vermont LLC (827122)
UI Long Distance, Inc. (822930)
YCOM Networks, Inc. (803502)