

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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2009

Date filed: February 26, 2010

Name of company covered by this certification: tw telecom holdings inc.

Form 499 Filer ID: 825897

Name of signatory: Paul Jones

Title of signatory: Executive Vice President General Counsel and Regulatory Policy

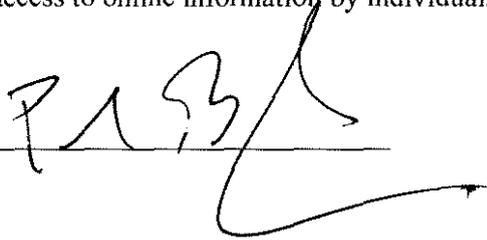
I, Paul Jones, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

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 system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed

A handwritten signature in black ink, appearing to read "P. Jones", is written over a horizontal line. The signature is stylized and extends below the line.

Statement Explaining Compliance Procedures

47 CFR §64.2007 Approval Required For Use Of Customer Proprietary Network Information.

- §64.2007(b): tw telecom (“TWTC”) has Sales relationships with independent contractors that team for certain sales efforts. The vast majority of these teaming relationships are for new customers, where CPNI is not an issue. However, for the teaming relationships that do involve existing TWTC customers, TWTC has painted a bright line with these independent contractors when it comes to the use, disclosure, or access to our customers’ CPNI. TWTC does not provide these independent contractors with access to CPNI and TWTC employees simply cannot disclose CPNI to them. If use of a one-time, opt-in approval is desired, it must be done under the supervision of the Legal/Regulatory CPNI Administrators.

47 CFR §64.2008 Notice Required For Use Of Customer Proprietary Network Information.

- TWTC has chosen to comply with the notice requirements specific to the opt-out notification as described in §64.2008(d). TWTC’s billing system is programmed to send a notification with the first invoice for every new customer. In compliance with §64.2008(d)(2), the billing system also generates notifications to all customers every two years with the January invoices of every even year. For example, billing notifications were sent to every customer with the January 2008 billing invoices.
- The content of billing notifications is fully compliant with §64.2008(c).
- §64.2008(d)(1) requires a 30-day minimum waiting period before assuming customer approval to use, disclose, or permit access to CPNI. To ensure that any opt-out responses are properly processed and recorded, TWTC has established a 60-day waiting period.
- TWTC CPNI policy permits oral solicitation for one-time use of CPNI on inbound calls when a customer that has opted-out seeks to obtain services outside the category of services to which the customer currently subscribes. Sales and Customer Care representatives are provided with instructions and a script that meets the notice requirements of §64.2008(f2).

47 CFR §64.2009 Safeguards Required For Use Of Customer Proprietary Network Information.

- §64.2009(a): TWTC includes a field on the customer account record that indicates whether a customer has opted to restrict TWTC's use of its CPNI for sales and marketing purposes. All customer lists that are used for sales and marketing campaigns are provided by the same group that develops the campaigns, maintains records of the campaigns, receives opt out notices from customers, and enters the opt-out flag in the customer record. This serves to limit the responsibility for determining which customers can be included on sales lists to a small group of experts. Nevertheless, there are times when sales personnel in the various Operating Entities need the flexibility to customize their own sales efforts for existing customers. As described below, all sales and marketing personnel are instructed on the restrictions that apply to "opt-out" customers and the requirement to check customer account records before contacting an existing customer for the purpose of marketing services outside the customer's existing category of service.
- §64.2009(b): The TWTC Code of Conduct contains a section that addresses authorized and non-authorized use of CPNI. New employees at the time of hiring, and all employees bi-annually, are required to review the Code of Conduct and acknowledge that they have done so. Additionally, all employees in departments that access, use, and disclose CPNI in the course of business (e.g., Sales and Sales Support organizations) are also required to complete a separate, comprehensive, narrative-based training module. All current personnel in such departments have completed the training and new employees must complete the module as part of their initial training. A comprehensive Reference Guide is available for downloading at the end of the module, along with an acknowledgement form which must be signed and kept in Human Resources records. All employees are aware that violation of the Commission's CPNI requirements, including not completing and acknowledging training, can lead to disciplinary action, including termination.
- §64.2009(c): The department that is responsible for designing sales and marketing campaigns also maintains records in accordance with this section. These records are maintained indefinitely.
- §64.2009(d): At this time, TWTC does not permit outbound marketing requests for customer approval. Should TWTC engage in outbound marketing efforts to gain customer approval, the supervisory review process would involve the Legal/Regulatory CPNI Administrators.

47 CFR §64.2010 Safeguards On The Disclosure Of Customer Proprietary Network Information.

- §64.2010(b): TWTC uses a unique, non-sequential Invoice Number as an authentication code. This number is different each month and appears on the face of the monthly billing invoice, which is mailed to the billing address of record established at the time of service initiation. TWTC employees are instructed that call-detail information cannot be provided during a customer-initiated telephone request unless the caller can first provide the Invoice Number and the Invoice billing amount from one of the last three month's bills as authentication.
- §64.2010(c): Registration for online access to TWTC's customer portal system is necessary to gain access to the customer's billing records. In order to gain access into the registration process, a user must first enter the unique Invoice Number and the Invoice billing amount from one of the last three month's bills to authenticate the user. The user is then guided through the registration process, including the establishment of a password and back-up authentication in accordance with §64.2010(e). New customers are allowed alternative means of authentication to register for online access to sections of the customer portal that involve Change Requests. This is necessary for the customer to submit certain Internet change requests (e.g., Internet address information) that need to be submitted before an order is established in our systems. Authentication is accomplished through a unique ID number provided directly to the customer during the sales/ordering process. This option does *not* allow access to the billing portion of the customer portal.
- §64.2010(d): TWTC does not have retail store operations.
- §64.2010(f): Online accounts automatically generate messages to the electronic address of record whenever on-line account information, password, backup authentication question, or address of record is changed. Changes to the address of record made in response to telephone or written requests cause a written notice to be sent to the existing address of record.

47 CFR §64.2011 Notification Of Customer Proprietary Network Information Security Breaches.

- §64.2011(a): TWTC has established a process for employees who discover a breach, either from internal or external sources, to report the breach, with as many facts as are available, to the CPNI Administrators in the Legal/Regulatory Dept. The Administrators will investigate to determine if an actual breach did occur, and if so, gather as many additional facts as possible before reporting the breach in accordance with §64.2011(b). The group within TWTC that normally interfaces with Law Enforcement for surveillance warrants and CALEA requests has developed an internal process consistent with §64.2011(c)-(f).