

## EB Docket 06-36

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

1. Date filed: March 1, 2010
2. Name of company(s) covered by this certification: Fairnet LLC.
3. Form 499 Filer ID: 827216
4. Name of signatory: Eric R. Wertz
5. Title of signatory: General Manager
6. Certification:

I, Eric R. Wertz, 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.*

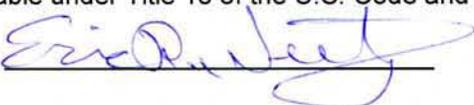
Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *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



**Attachments:** Accompanying Statement explaining CPNI procedures

## FAIRNET, LLC

### STATEMENT EXPLAINING HOW THE COMPANY'S OPERATING PROCEDURES COMPLIANCE WITH THE FCC'S CPNI RULES

#### **Prefatory Statement:**

Fairnet, LLC will disclose CPNI to the customer, or another entity, designated by the customer, only after receiving an appropriate request (verified appropriately); or in those instances where disclosure is permissible without customer approval; all in accordance with Section 64.2001 *et seq.* of the FCC's Rules and Regulations.

#### **I. Customer Proprietary Network Information ("CPNI")**

The law affords privacy protections for two kinds of information related to Fairnet, LLC as an interconnected VoIP provider (1) information about the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer, and (2) information contained in the bills pertaining to services received by a customer.

That information, when matched to a name, address, and telephone number is known as "Customer Proprietary Network Information" or "CPNI" for short. Examples of CPNI include information typically available from telephone-related details on a monthly bill such as the types of services purchased by a customer, numbers called, duration of calls, directory assistance charges, and calling patterns. (CPNI does not include names, addresses, and telephone numbers, because that information is considered subscriber list information under applicable law.)

#### **II. Use of CPNI Is Restricted**

Fairnet, LLC recognizes that CPNI privacy concerns have led Congress and the FCC to impose restrictions upon its use and disclosure, and upon the provision of access to it by individuals or entities inside and outside our company.

Fairnet, LLC has designated its General Manager as the CPNI Compliance Officer responsible for: (1) communicating with our company attorneys and/or consultants regarding CPNI responsibilities, requirements and restrictions; (2) supervising the training of company employees and agents who use or have access to CPNI; and (3) receiving, reviewing and resolving any questions or issues arising within our company regarding use, disclosure, or provision of access to CPNI.

Company employees and agents that may deal with CPNI have been informed that there are substantial federal restrictions upon CPNI use, distribution and access. In order to be authorized to use or access the company's CPNI, employees and agents must receive

training with respect to the requirements of Section 222 of the Communications Act and the FCC's CPNI Rules (Subpart U of Part 64 of the FCC Rules).

### **III. Permissible Uses of CPNI**

Fairnet, LLC employees and agents are strictly prohibited from using CPNI, and from providing CPNI to individuals or entities inside or outside the company, except as follows:

1. Fairnet, LLC may, after receiving an appropriate request from a customer (verified appropriately), disclose or provide customer's CPNI to any person or entity designated by the customer.

Disclosure based on a phone call inquiry may occur if:

- 1) Information is mailed to customer's address of record or
- 2) We call the telephone number of record with the requested information.

Disclosure based on an office visit requires an appropriate photo ID.

Disclosure is always permissible if given in writing, signed by the customer of record.

Disclosure based on an "on-line" visit requires the use of a secure password.

2. In the absence of an appropriate request from the customer, Fairnet, LLC may still provide the customer's phone records or other CPNI to a law enforcement agency in response to a warrant or subpoena that specifies the particular CPNI to be furnished.

3. Fairnet, LLC and its authorized employees may use, disclose or permit access to CPNI to provide services necessary to, or used in, the provision of the VoIP service from which the CPNI is derived.

4. Fairnet, LLC, its authorized employees and its billing agent may use CPNI to initiate, render, bill and collect for VoIP services.

5. Fairnet, LLC, may use CPNI to protect company rights or property, and to protect users and other carriers from fraudulent, abusive or illegal use of (or subscription to) the VoIP service from which the CPNI is derived

6. When an existing customer (appropriately verified) calls or visits Fairnet, LLC to inquire about or order new, additional or modified services (in-bound marketing), we may use the customer's CPNI to assist the customer if we provide the customer with the oral notice required by Sections 64.2008(c) and 64.2008(f) of the FCC's Rules.

7. Fairnet, LLC has adopted a policy that it does not and will not use, disclose, or permit access to CPNI in connection with company-initiated marketing of services to which a customer does not already subscribe. (out-bound marketing)

#### **IV. CPNI Compliance Officer**

In addition to the specific matters required to be reviewed and approved by Fairnet, LLC's CPNI Compliance Officer, employees and agents are strongly encouraged to bring any and all other questions, issues or uncertainties regarding the use, disclosure, or access to CPNI to the attention of the our Compliance Officer for appropriate investigation, review and guidance. The extent to which a particular employee or agent brought a CPNI matter to the attention of the CPNI Compliance Officer and received appropriate guidance is a material consideration in any disciplinary action brought against the employee or agent for impermissible use, disclosure or access to CPNI. If necessary, advice of legal counsel will be sought.

#### **V. Disciplinary Procedures**

Fairnet, LLC has informed its employees and agents that it considers compliance with the Communications Act and FCC Rules regarding the use, disclosure, and access to CPNI to be very important.

Violation by company employees or agents of such CPNI requirements will lead to disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received from the CPNI Compliance Officer, and the extent to which the violation was or was not deliberate or malicious).

#### **VI. Updates in Law**

Fairnet, LLC, on an ongoing basis, reviews changes in law affecting CPNI and updates and trains company personnel accordingly.



Eric R. Wertz  
Fairnet, LLC