Cathy Massey
Vice President, Regulatory Affairs and
Public Policy
cathy.massey@clearwire.com
202.351.5033

Clearwire

1250 I Street, N.W., Suite 901
Washington, D.C. 20005

February 10, 2011

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: EB Docket 06-36, Annual Customer Proprietary Network Information Certification

Dear Ms. Dortch:

Enclosed for filing please find the CPNI Compliance Certificate and accompanying Statement of Clearwire US LLC (Clearwire). These documents collectively comprise Clearwire's Annual CPNI certification pursuant to Section 64.2009(e) of the Commission's rules.

Sincerely,

Cathy Massey

Cathy Massey

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

EB Docket 06-36

Annual 64.2009(e) Customer Proprietary Network Information (CPNI) Certification for 2010 covering the prior calendar year 2010.

Date filed: February 10, 2011

Name of Company covered by this certification: Clearwire US LLC

Form 499 Filer ID: 825943

Name of signatory: Cathleen A. Massey

Title of signatory: Vice President, Regulatory Affairs and Public Policy

I, Cathleen Massey, certify that I am an officer of Clearwire US LLC (Clearwire), and acting as an agent of Clearwire, 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 Clearwire'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.

Clearwire did not take any actions against data brokers in 2010, and has no information that any pretexters have attempted to access Clearwire's customers' CPNI.

Clearwire did not receive any customer complaints in 2010 concerning the unauthorized release of CPNI.

Clearwire 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. Clearwire 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 Cathleen A. Massey

Cathleen A. Massey

cc: Best Copy and Printing, Inc.

Attachments: Accompanying Statement explaining CPNI procedures.

Statement Explaining Clearwire's CPNI Compliant Procedures

Clearwire US LLC (Clearwire) has instituted procedures to ensure that it is in compliance with the requirements set forth in sections 64.2001-2011 of the Commission's rules.[1] Clearwire has developed and implemented software systems that monitor customer service records containing CPNI, and trained its employees regarding when and how a customer's CPNI may be accessed, disclosed and/or used. Clearwire also has a disciplinary process in place to deal with violations of these procedures.

Clearwire has implemented a detailed CPNI notification system, which is contained and prominently displayed in Clearwire's customer facing materials. These materials notify customers of their right to restrict use of, access to, or disclosure of their CPNI, and the various circumstances under which Clearwire may wish to use, disclose, or permit access to CPNI, pursuant to the Commission's rules. Clearwire maintains records, for one year, of its CPNI customer notifications and its customer opt-in and opt-out approvals to use, disclose, or permit access to CPNI. Clearwire also has a system in place by which it will provide written notice to the Commission, within five days, of any instance where a customer has chosen to opt-out of allowing Clearwire or its agents and affiliates to use, disclose or permit access to his or her CPNI, and the opt-out mechanism in place has failed to allow the customer to opt-out or provide the desired privacy protection. Clearwire will include a description of the remedy taken to address the failure in its Commission notice.

In the case of joint venture partners and independent contractors, Clearwire has implemented a system for obtaining opt-in customer consent before disclosing CPNI to its joint venture partners, or independent contractors. In the event that Clearwire discloses CPNI to joint venture partners or independent contractors, the system Clearwire has implemented ensures that upon disclosing CPNI to its joint venture partners or independent contractors, it will only do so with respect to those customers that have expressly opted-in to such disclosure. Moreover, the system ensures that confidentiality agreements are entered into with joint venture partners and independent contractors requiring that they only use Clearwire customer CPNI to market services for which that CPNI was specifically provided. In addition, the system prohibits joint venture partners or independent contractors from disclosing Clearwire customer CPNI to any other entity, and requires Clearwire's joint venture partners and independent contractors to have the appropriate protections in place to ensure the ongoing confidentiality of Clearwire customer CPNI.

Clearwire has instituted a process whereby customers are notified immediately upon any CPNI-related account changes involving the creation of or change of a password; back-up authentication response; and on-line account, or address of record changes. These notifications are performed by sending email to the customer's email address of record. Clearwire has also established an electronic audit mechanism which tracks all access to customer account information. This audit information will be available for a one year period after access, at a minimum.

Clearwire also developed a system for securely providing call detail records to its customers, upon their request. These records may only be provided by mailing them to the customer's address of record for at least 30 days, or by calling the customer's telephone number of record for at least 30 days. These records may also be obtained by Clearwire customers online, when using a valid password, or at a Clearwire retail location by presenting a valid government-issued photo ID. Clearwire has developed and implemented an outbound marketing review process that strictly complies with the Commission's CPNI rules when Clearwire conducts outbound marketing. Clearwire also maintains a one year record of its marketing campaigns.

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[1] *See* 47 C.F.R. §§ 64.2001-2011.

Finally, Clearwire is also prepared to electronically report CPNI breaches to the Secret Service and FBI via the CPNI Breach Reporting Facility.[2] Clearwire will ensure that this notification is made before its customer is notified, no later than seven business days after breach. Clearwire will then notify its customer of the breach seven business days after Secret Service and FBI notification, as long as law enforcement has not requested a delay. However, Clearwire will also ensure that any customer facing immediate or irreparable harm as a result of the breach is immediately notified of such breach. Clearwire will maintain records of any discovered breaches for two years, including notifications to law enforcement and law enforcement response, the date the breach was discovered, the date of law enforcement notification, a detailed description of the CPNI breached, and the circumstances of the breach.

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2 *See* http://www.fcc.gov/eb/CPNI/Report.html.