



AboveNet

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January 18, 2011

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

**Re: *Annual Customer Proprietary Network Information Compliance
Certification; EB Docket No. 06-36***

Dear Ms. Dortch,

Please find enclosed an original and a copy of the Annual Proprietary Network Information ("CPNT") Compliance Certification for AboveNet Communications, Inc.

Please have the copy date stamped and return in the self addressed stamped envelope provided.

Sincerely,

Jim Sandford
Associate General Counsel

Enclosure
SASE

bcc: Yvette Kitrosser

Annual Customer Proprietary Network Information Certification
Pursuant to 47 C.F.R. § 64.2009(e)
EB Docket No. 06-36

January 18, 2011

AboveNet Communications, Inc.
Form 499 Filer ID: 820598
Name of Signatory: Robert Sokota
Position: Senior Vice President, General Counsel and Secretary

I, Robert Sokota, certify that I am an officer of AboveNet Communications, Inc. ("AboveNet") and acting as an agent of AboveNet, that I have personal knowledge that AboveNet 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 AboveNet's procedures ensure the company is in compliance with the requirements set forth in sections 64.2001 *et seq.* of the Commission's rules.

AboveNet has not taken any actions (instituted proceedings or filed petitions at either state commissions, courts, or at the FCC) against data brokers in the past year. AboveNet has no information outside of Commission Docket No. 96-115, or that is not otherwise publicly available (*e.g.*, through news media), regarding the processes pretexters are using to attempt to access CPNI. The steps the company has taken to protect CPNI include updating its CPNI practices and procedures and conducting new training designed to ensure compliance with the FCC's modified CPNI rules.

AboveNet has not received any customer complaints in the past year concerning the unauthorized release of CPNI.



Robert Sokota
Senior Vice President, General Counsel and Secretary
AboveNet Communications, Inc.

Date: 1/19/11

Customer Proprietary Network Information Certification Attachment A

AboveNet has established practices and procedures adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended, ("section 222") and the Federal Communications Commission's ("FCC") rules pertaining to customer proprietary network information ("CPNI") set forth in sections 64.2001 – 64.2011 of the Commission's rules. This attachment summarizes those practices and procedures, which have been updated so that they are adequate to ensure compliance with the Commission's CPNI rules, as modified by the Commission in 2007.

AboveNet provides private telecommunications services over dedicated lines to large enterprise customers pursuant to ICB contracts. AboveNet's customer contracts uniformly contain confidentiality agreements that address customers' private information. It is AboveNet's policy not to disclose CPNI except as specifically set out in its contracts with its customers and where required by law.

Safeguarding against pretexting

- AboveNet takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI, including the authentication of customers prior to disclosing CPNI based on customer-initiated contacts. AboveNet is committed to notify the FCC of any novel or new methods of pretexting it discovers and of any actions it takes against pretexters and data brokers.

Training and discipline

- AboveNet has an express disciplinary process in place for violation of the AboveNet's CPNI practices and procedures. AboveNet employees are required to review and abide by AboveNet's Code of Conduct, which, prohibits all employees from using customer information other than for providing service to the customer or as required to be disclosed by law.

AboveNet's use of CPNI

- AboveNet uses CPNI for the following purposes:
 - (1) To initiate, render, maintain, repair, bill and collect for services
 - (2) To protect its property rights; or to protect its subscribers or other carriers from fraudulent, abusive, or the unlawful use of, or subscription to, such services;
 - (3) For network maintenance; and
 - (4) As required by law.
- AboveNet does not use CPNI for any marketing purposes. Specifically, AboveNet does not use CPNI to market services to its existing customers. Nor does AboveNet share, sell, lease or otherwise provide CPNI to any of its affiliates, suppliers, vendors, or any other third party for the purpose of marketing any service.
- AboveNet's policy is not to share, sell, lease or otherwise provide CPNI to third parties. AboveNet will disclose CPNI to a third party only when required by a lawfully issued

government subpoena or pursuant to an appropriate non-disclosure agreement for corporate or financial transactions.

Additional safeguards

- AboveNet does not use CPNI for marketing purposes and therefore does not have records to maintain regarding marketing campaigns that use its customers' CPNI.
- AboveNet has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules.
- AboveNet designates one or more officers, as an agent or agents of the AboveNet, to sign and file a CPNI compliance certificate on an annual basis. The certificate conforms to the requirements set forth in FCC rule 64.2009(e).
- AboveNet does not disclose CPNI over the phone and does not allow for online access to CPNI.
- In the event of a breach of CPNI, AboveNet will comply with all applicable breach notification laws.