



**PATRICK D. CROCKER**  
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February 9, 2012

Ms. Marlene H. Dortch, Commission Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Suite TW-A325  
Washington, DC 20554

*Filed Electronically Via ECFS*

RE: XYN Communications, LLC  
Customer Proprietary Network Information Certification  
EB Docket No. 06-36

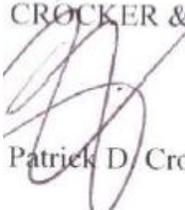
Dear Ms. Dortch:

XYN Communications, LLC, by its undersigned attorneys, hereby submits its 2011 CPNI Compliance Certificate and Accompanying Statement certifying compliance with Section 64.2001 *et seq.* of the Commission's rules.

Please contact the undersigned should you have any questions or concerns at (269) 381-8893 extension 226 or [patrick@crockerlawfirm.com](mailto:patrick@crockerlawfirm.com).

Very truly yours,

CROCKER & CROCKER



Patrick D. Crocker

PDC/crg

Enclosures

cc: Best Copy and Print, Inc. (via e-mail [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM))

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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011

Date filed: February 7<sup>th</sup>, 2012

Name of Company Covered by this Certification: XYN Communications, LLC

Form 499 Filer ID: 828793

Name of Signatory: Shawn Sims

Title of Signatory: CEO

I am the CEO of XYN Communications, LLC and as such do hereby certify, affirm, depose, and say that I have authority to make this Customer Proprietary Network Information ("CPNI") Annual Certification of Compliance on behalf of XYN Communications, LLC. I have personal knowledge that XYN Communications, LLC has established adequate operating procedures to ensure compliance with the Commission's CPNI rules as set forth in 47 C.F.R. § 64.2001 et. seq.

Attached to this Certification is an Accompanying Statement explaining how the company's procedures ensure compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

XYN Communications, LLC received no customer complaints in the past year concerning the unauthorized release of CPNI. Further, XYN Communications, LLC has taken no action against data brokers for the unauthorized release of CPNI during calendar year 2011. XYN Communications, LLC will report any information it may obtain with respect to the processes pretexters are using to attempt to access CPNI and what steps XYN Communications, LLC is taking to protect CPNI.

This certification is dated this 7<sup>th</sup> day of February, 2012.



Shawn Sims

CEO

XYN Communications, LLC

## **Customer Proprietary Network Information Certification Attachment A**

XYN Communications, LLC 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.

XYN Communications, LLC provides private telecommunications services over dedicated lines to large enterprise and carrier customers pursuant to ICB contracts. XYN Communications, LLC's customer contracts uniformly contain confidentiality agreements that address customers' private information. It is XYN Communications, LLC'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**

- XYN Communications, LLC 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. XYN Communications, LLC 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**

- XYN Communications, LLC has an express disciplinary process in place for violation of the XYN Communications, LLC's CPNI practices and procedures. XYN Communications, LLC employees are required to review and abide by XYN Communications, LLC'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.

### **XYN Communications, LLC's use of CPNI**

- XYN Communications, LLC 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.

- XYN Communications, LLC does not distribute CPNI to third parties for their sales or marketing purposes. Nor does XYN Communications, LLC 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.
- XYN Communications, LLC does not share, sell, lease or otherwise provide CPNI to any third party except pursuant to appropriate non-disclosure agreements. XYN Communications, LLC will not otherwise disclose CPNI to a third party except when required by a lawfully issued government subpoena.

### **Additional safeguards**

- XYN Communications, LLC does not use CPNI for marketing purposes and therefore does not have records to maintain regarding marketing campaigns that use its customers' CPNI.
- XYN Communications, LLC has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules.
- XYN Communications, LLC designates one or more officers, as an agent or agents of the XYN Communications, LLC, 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).
- XYN Communications, LLC does not disclose CPNI over the phone and does not allow for online access to CPNI.
- In the event of a breach of CPNI, XYN Communications, LLC will comply with all applicable breach notification laws.