

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2011

Date filed: March 1, 2012

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.*

Attachment A 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.

A summary of a customer complaint received in 2011 concerning the unauthorized release of CPNI is contained in Attachment B.

The company did not take 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 2011.

Signed

A handwritten signature in black ink, appearing to read 'P. Jones', is written over a horizontal line. The signature is stylized and cursive.

### **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 are not permitted to disclose CPNI to them.

#### **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 new customers. In compliance with §64.2008(d)(2), the billing system also generates notifications to customers every two years with the January invoices of every even year. For example, billing notifications were sent to customers with the January 2012 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(f)(2).

#### **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): All employees are required to complete a separate, comprehensive, narrative-based CPNI training module annually; 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 made 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 to use their CPNI. 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 randomly generated Invoice Number and Total Amount Due from one of the Customer’s last three monthly invoices as authentication.
- §64.2010(c) & (e): Registration for online access to TWTC’s on-line customer portal (named MyPortal) is necessary to gain access to CPNI, including customer’s billing records. In order to gain access to any CPNI in MyPortal, Customers must first register and establish a password by providing (a) either a Smart Opportunity ID (a randomly generated, unique number provided to the Customer before an order is placed), or an Order ID (a randomly generated, unique number provided to the Customer when the order is placed); and (b) the assigned Account Number. 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). The Customer's password then will allow the Customer access to all Transactional Information associated with its account, such as the status of orders, tracking the resolution of reported service problems, and bandwidth utilization for select services. Further, to gain access to the My Billing database within MyPortal, which contains a Customer's detailed billing information, the Customer must provide additional

authentication consisting of (a) the randomly generated, unique Invoice Number and Total Amount Due from one of the Customer's last three monthly invoices; and (b) the Account Number assigned to the Customer.

- §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 Dep't. 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 Administrators handle customer notification when appropriate and supervise maintenance of compliant records under §64.2011(c) & (d) as well.

**Summary of 2011 Customer Complaint Concerning Unauthorized Release of CPNI**

1. One customer (Customer A) inadvertently obtained access to another Customer's on-line web portal account (Customer B) in the course of initially registering for on-line access. When Customer A realized it was viewing another customer's information, it notified TWTC and also informed Customer B, prompting Customer B separately to contact TWTC. Customer A did not access Customer B's billing or call detail information. TWTC quickly discontinued Customer A's access, investigated and concluded that the incident was attributable to incorrect portal registration information provided to Customer A by sales personnel, who since have received another round of CPNI training. TWTC reported the incident through the Data Breach Reporting Portal to federal law enforcement authorities, who declined to investigate. Given the historical lack of similar problems, and the circumstances surrounding this incident, TWTC is confident that this was an isolated incident not likely to be repeated but nonetheless is working to reduce reliance on manual steps in the process necessary for customer portal registration through automation.