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

RE: Certification of CPNI Filing
Pursuant to 47 C.F.R. §64.2009(c)
EB Docket No. 06-36

Carrier Name: FM Communications, Inc.

Certification

I, Michael R. Haynes, hereby 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, effective during the calendar year 2012, that are adequate to ensure compliance with the Commission's Customer Proprietary Network Information (CPNI) rules as enumerated at 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 set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken 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 the past year. The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

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.

Sincerely,

Name: Michael R. Haynes
Title: President
Date: February 23, 2013

FM Communications, Inc.
1914 Colvin Blvd.
Tonawanda, NY 14150

Dated February 23, 2013

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

FM Communications, Inc. ("Carrier") has established operating procedures that ensure compliance with the Federal Communications Commission ("Commission") regulations regarding the protection of Consumer Proprietary Network Information ("CPNI").

Carrier does not sell, rent or otherwise disclose customers' CPNI to other entities.

Carrier does not use any customer CPNI in any marketing activities.

Carrier has implemented a system whereby the status of a customer's CPNI approval can be determined prior to any use of CPNI.

Carrier Procedures require affirmative written/electronic customer approval or valid Court Order for the release of CPNI to third parties.

Carrier maintains a record of any and all instances where CPNI was disclosed or provided to third parties, including law enforcement or where third parties were allowed access to CPNI. The record includes a description of each campaign or request, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign.

Carrier continually educates and trains its employees regarding the appropriate use of CPNI. Carrier has established disciplinary procedures should an employee violate the CPNI procedures established by Carrier.

Carrier has established procedures for the training of its personnel with access to CPNI. Employees have been trained as to when they are and are not authorized to use CPNI.

Carrier has established a supervisory review process regarding compliance with the CPNI rules with respect to outbound marketing situations and maintains records of carrier compliance for a minimum period of one year. Specifically, Carrier's sales personnel obtain supervisory approval of any proposed outbound marketing request for customer approval regarding its CPNI.