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March 1, 2013

**VIA ECFS**

Marlene H. Dortch  
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:

On behalf of Clear Wireless, LLC (“Clearwire”) and pursuant to 47 C.F.R. § 64.2009(e), attached please find Clearwire’s 2013 Annual Customer Proprietary Network Information compliance certification covering calendar year 2012.

Please contact the undersigned at (202) 342-8614 if you have any questions regarding this filing.

Respectfully Submitted,



Denise N. Smith

*Counsel for Clear Wireless LLC*

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

EB Docket 06-36

March 2013

Annual 64.2009(e) Customer Proprietary Network Information (CPNI) Certification for 2013 covering the prior calendar year 2012.

Name of Company covered by this certification: Clear Wireless LLC, as the successor-in-interest to Clearwire US LLC

Form 499 Filer ID: 827797

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 Clear Wireless 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 2012, and has no information that any pretexters have attempted to access Clearwire's customers' CPNI.

Clearwire did not receive any customer complaints in 2012 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 Dated: 03-01-2013

Cathleen A. Massey

Vice President, Regulatory Affairs and Public Policy

Attachments: Accompanying Statement explaining CPNI procedures.

## Statement Explaining Clearwire's CPNI Compliant Procedures

Clear Wireless 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.<sup>1</sup> 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 did not make any use of subscriber CPNI for marketing purposes in 2012. Clearwire has in place policies which summarize the CPNI rules and notify customers of their right to restrict use of, access to, or disclosure of their CPNI. This notification is available via documentation contained on Clearwire's primary, publicly accessible website, [www.clear.com](http://www.clear.com). Because, at present, Clearwire does not use CPNI for marketing purposes, it does not collect consents to use CPNI outside of those uses for which no customer permission is needed. Clearwire marketing personnel are reminded at regular intervals of the prohibition on non-use of CPNI for marketing purposes. In the event Clearwire chooses in the future to use CPNI for marketing purposes, Clearwire will collect all required consents either via opt-in or opt-out notifications, in accordance with FCC rules and procedures.

In 2012, Clearwire did not share CPNI with joint venture partners or independent contractors. If Clearwire subsequently chooses to share CPNI with joint venture partners and independent contractors, Clearwire will implement a system for obtaining opt-in customer consent before disclosing CPNI, or, if consent is sought only for a single call, to obtain one-time consent per the FCC's rules and procedures. In the event that Clearwire discloses CPNI to joint venture partners or independent contractors, Clearwire's system will ensure that, upon disclosing CPNI to its joint venture partners or independent contractors, Clearwire will only do so with respect to those customers who expressly have opted in to such disclosure or provided express verbal consent on an inbound call from the customer to Clearwire. Moreover, the system will ensure 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 will prohibit joint venture partners or independent contractors from disclosing Clearwire customer CPNI to any other entity, and will require 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 or change of a password; back-up authentication response; and on-line account, or address of record, changes. These notifications are performed by sending an email to the customer's email address of record. Clearwire also has established an electronic audit mechanism which tracks all access to customer account information. This audit information will be available for a minimum one-year period after access.

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

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<sup>1</sup> See 47 C.F.R. §§ 64.2001-2011.

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 also may 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.

Clearwire additionally has procedures in place to notify the Commission of any failure of an opt-out mechanism (if Clearwire were to use an opt-out mechanism) in any circumstance that satisfy section 64.2009(f) of the rules. Finally, Clearwire is prepared to electronically report CPNI breaches to the Secret Service and FBI via the CPNI Breach Reporting Facility.<sup>2</sup> Clearwire will ensure that this notification is made before its customer is notified, but in any event not later than seven business days after the breach. Clearwire then will 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 also will 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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<sup>2</sup> See <http://www.fcc.gov/eb/CPNI/Report.html>