

## **Statement of Customer Proprietary Network Information Procedures and Compliance 2013**

EarthLink, Inc., on behalf of itself and its subsidiaries, DeltaCom, LLC, Business Telecom, Inc., EarthLink Carrier, LLC and EarthLink Business, LLC and its subsidiaries (including CTC Communications, Choice One, Conversent Communications, Lightship Telecom, US Xchange, Connecticut Broadband and Connecticut Telephone) (collectively “the EarthLink Companies”)<sup>1</sup> provide this statement pursuant to 47 C.F.R. § 64.2009(e), to summarize the operational procedures and policies in place that are designed to ensure compliance with the Commission’s Customer Proprietary Network Information (“CPNI”) rules.

### **Use, Disclosure, or Access to CPNI**

Consistent with Section 222 of the Communications Act of 1934, as amended (the “Act”), and the Commission’s implementing rules, the EarthLink Companies’ general policy is not to use, disclose to a third party, or permit a third party to access CPNI absent customer consent. However, the following are exceptions to that general policy. The EarthLink Companies may use, disclose, share or permit access to CPNI:

- (1) to protect our rights and property, our customers, and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, our services;
- (2) to provide or market service offerings among the categories of service to which the customer already subscribes;
- (3) for the provision of customer premises equipment;
- (4) for billing and rendering services, including installation, maintenance and repair services, to the customer; and
- (5) as required by law, such as in response to a validly issued subpoena.

### **Use of CPNI for Marketing Purposes**

The EarthLink Companies share CPNI only with affiliates, partners, contractors, vendors or agents for marketing communications-related products and services. The EarthLink Companies will share CPNI with a partner, contractor, vendor or agent only after that person or entity has entered into an agreement with confidentiality provisions with the EarthLink Companies. In accordance with the CPNI Laws, the EarthLink Companies provide all affected customers with appropriate notice offering their customers the opportunity to opt out of any such sharing or use of CPNI prior to such sharing or use. In addition, the EarthLink Companies will provide all customers with appropriate notice every two (2) years and maintain all records of customer notifications for at least one year. A customer of the EarthLink Business Companies may opt out at any time using any of the following methods: (1) visiting [www.earthlinkbusiness.com/optout](http://www.earthlinkbusiness.com/optout) and completing the Opt-Out Form; (2) contacting Customer Service at 1-855-EL-CARE-1 (352-2731); or (3) providing written notification to: EarthLink Business, 2150 Holmgren Way, Green Bay, WI 54304. The customer must provide the following information: (i) name; (ii) service billing address; (iii) ten-digit telephone number(s); and (iv) service account number. A customer’s decision to opt out does not affect the provision of the customer’s services. Further, the EarthLink Companies have implemented a system whereby the status of a customer’s CPNI approval can be determined prior to the use or disclosure of CPNI.

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<sup>1</sup> With the exception of EarthLink, Inc. the entities identified above are referred to collectively as the “EarthLink Business Companies.”

## **Maintenance of Records**

If the EarthLink Companies use CPNI for a marketing or sales campaign or discloses or permits access to CPNI to a third party, then the EarthLink Companies are required to keep records of such use, sharing, disclosure or access for a minimum of one year. The records must contain a description of each campaign or disclosure, the CPNI that was used in the campaign or that was disclosed, and the products and services that were offered as part of the campaign. Internally, the EarthLink Companies only provide access to CPNI to those employees who need to know the CPNI to perform their duties.

## **Employee Training/Disciplinary Process**

Annually, all employees of the EarthLink Companies are required to review the EarthLink Companies' CPNI policy and affirmatively agree to the CPNI policies and restrictions therein. Similar notification and training are conducted with all relevant non-employee agents. A violation of the CPNI laws is subject to disciplinary action up to and including termination.

## **Authentication and the Release of Call Detail Information**

The Commission's CPNI rules also require service providers to initiate safeguards to protect against pretexting, which is the practice of fraudulently obtaining call detail and other private communications records of another person. The EarthLink Companies' customers may obtain CPNI concerning their accounts through one or more of the following means: (1) inquiries to the call center; (2) through a password protected online portal; or (3) requesting that call detail information be sent to the address of record. It is the policy of the EarthLink Companies not to disclose CPNI to requesting customers via call center personnel unless the customer has been authenticated through use of identifying customer-specific account information or an agreed-upon password. In addition, it is the policy of EarthLink, Inc. to notify a residential customer when the following are created or changed: (1) an account password; or (2) an online-account.

## **CPNI Breaches**

Consistent with 47 C.F.R. § 64.2011, the EarthLink Companies are obligated to notify the appropriate state and federal agencies, including law enforcement, of a breach of a customer's CPNI as soon as possible, but no later than seven business days after a reasonable determination of a breach. The EarthLink Companies will not notify the customer or disclose the breach publicly until seven (7) business days after the notification has been provided to the appropriate state and federal agencies. However, the EarthLink Companies may immediately notify a customer after consultation with the relevant investigative agency if the EarthLink Companies believe that there is an extraordinarily urgent need to notify a class of customers in order to avoid immediate and irreparable harm. The EarthLink Companies will maintain records of discovered breaches, notifications to state and federal agencies (including law enforcement) of those breaches, and the responses of such state and federal agencies to those notifications for a period of two years.