



February 20, 2014
Via ECFS Filing

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: XYN Communications of New York, LLC
EB Docket No. 06-36; CY2013

Dear Ms. Dortch:

Attached for filing is the Calendar Year 2013 CPNI Compliance Certification and Statement of CPNI Procedures and Compliance as required by 47 C.F.R. Section 64.2009 (e) submitted on behalf of the XYN Communications of New York, LLC.

Any questions you may have regarding this filing should be directed to my attention at 407-740-3006 or via email to croesel@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Carey Roesel

Carey Roesel
Consultant to XYN Communications of New York, LLC

cc: Mark Bunnell - XYN - NY
file: XYN - NY - FCC CPNI
tms: FCCx1401

Enclosures
CR/gs

**ANNUAL 47 C.F.R. § 64.2009(e) OFFICER'S CERTIFICATION OF
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE**

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2014: Covering calendar year 2013

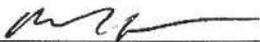
Name of company(s) covered by this certification: XYN Communications of New York, LLC

Form 499 Filer ID: 829866

Name of signatory: Mark Bunnell

Title of signatory: Chief Executive Officer

1. I, Mark Bunnell, certify that I am the Chief Executive 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.*
2. Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in §64.2001 *et seq.* of the Commission's rules.
3. The company has not taken actions (*i.e.*, 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.
4. The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.
5. 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.



Mark Bunnell, Chief Executive Officer

2-14-14

Date

Attachments: Accompanying Statement explaining CPNI procedures

Attachment A
Statement of CPNI Procedures and Compliance

Statement of CPNI Procedures and Compliance

XYN Communications of New York, 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 of New York, LLC provides private telecommunications services over dedicated lines to large enterprise and carrier customers pursuant to ICB contracts. XYN Communications of New York, LLC's customer contracts uniformly contain confidentiality agreements that address customers' private information. It is XYN Communications of New York, 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 of New York, 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 of New York, 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 of New York, LLC has an express disciplinary process in place for violation of the XYN Communications of New York, LLC's CPNI practices and procedures. XYN Communications of New York, LLC employees are required to review and abide by XYN Communications of New York, 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 of New York, LLC's use of CPNI

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

Additional safeguards

- XYN Communications of New York, 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 of New York, LLC has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules.
- XYN Communications of New York, LLC designates one or more officers, as an agent or agents of the XYN Communications of New York, 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 of New York, 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 of New York, LLC will comply with all applicable breach notification laws.