

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

### EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011 covering the prior calendar year 2010

1. Date filed: March 1, 2011
2. Name of company covered by this certification: PAETEC Holding Corp. and its subsidiaries<sup>1</sup> (collectively "PAETEC")
3. Form 499 Filer ID: 818024, 809572, 823964, 825929, 820454, 822848, and 821372
4. Name of signatory: William A. Haas
5. Title of signatory: Corporate Vice President - Public Policy & Regulatory
6. Certification:

I, William A. Haas, 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.

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 section 64.2001 et seq. of the Commission's rules.

The company has not taken any 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.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

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

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<sup>1</sup> PAETEC Communications, Inc., PAETEC Communications of Virginia, Inc., McLeodUSA Telecommunications Services, LLC d/b/a PAETEC Business Services, US LEC Communications LLC d/b/a PAETEC Business Services; US LEC of Alabama LLC d/b/a PAETEC Business Services; US LEC of Florida LLC d/b/a PAETEC Business Services; US LEC of Georgia LLC d/b/a PAETEC Business Services; US LEC of Maryland LLC d/b/a PAETEC Business Services; US LEC of North Carolina LLC d/b/a PAETEC Business Services; US LEC of Pennsylvania LLC d/b/a PAETEC Business Services; US LEC of South Carolina LLC d/b/a PAETEC Business Services; US LEC of Tennessee LLC d/b/a PAETEC Business Services, US LEC of Virginia LLC d/b/a PAETEC Business Services, Intellifiber Networks, Inc., Talk America, Inc. - Consolidated and Cavalier Telephone, LLC.

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 \_\_\_\_\_

**WILLIAM A. HAAS**  
**CORPORATE VICE PRESIDENT - PUBLIC POLICY & REGULATORY**  
**PAETEC**

**Attachments:**

Accompanying Statement explaining CPNI procedures

2/28/2011

## PAETEC HOLDING AND SUBSIDIARIES STATEMENT OF CPNI COMPLIANCE PROCEDURES

PAETEC Holding and its subsidiaries<sup>2</sup> (collectively "PAETEC") provide a wide variety of communication solutions targeting primarily medium and large-sized enterprises and multi-location commercial customers throughout the United States.

PAETEC has a policy of providing regular CPNI notices to all customers and obtains approval from all customers to use CPNI for marketing purposes. PAETEC also provides existing customers with the ability to change or rescind their consent to the company's use of their CPNI at any time. PAETEC's CPNI notices explain the customers' CPNI rights in accordance with the FCC's CPNI Rules, including their right to restrict the use and disclosure of, and access to their CPNI. These notices also provide information on how customers can choose to not receive marketing from PAETEC that is based upon PAETEC's use of their CPNI. From time to time, PAETEC may use CPNI to market communications-related services outside of those services to which a customer already subscribes but only where the customer has granted approval pursuant to instructions in the CPNI notices. PAETEC maintains records of customer approval and the delivery of its CPNI notices for at least one year.

PAETEC has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use or disclosure of that customer's CPNI. Unless, as discussed below, a one-time approval of CPNI is obtained, PAETEC representatives who market using CPNI, review this status and refrain from marketing to customers with a CPNI restricted account.

In accordance with the CPNI rules, upon obtaining a customer's oral authorization, customer service representatives of PAETEC may access a customer's CPNI during the course of an inbound or outbound telephone conversation. Each such PAETEC representative must provide the disclosures required by 64.2008(c) of the CPNI rules including informing customers of their right to deny access to the CPNI before requesting this one-time consent.

PAETEC may, as permitted by the CPNI rules, use CPNI without customer approval (1) to bill and collect for services rendered; (2) to protect the rights or property of PAETEC, other users or other carriers from unlawful use; (3) to provide customer premises equipment and protocol conversion; (4) to provision inside wiring, maintenance and repair services; and (5) to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features.

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PAETEC does not share, sell, lease or otherwise provide CPNI to any third parties for the purposes of marketing any services. Sharing, selling, leasing or otherwise providing CPNI to any third parties for the purposes of marketing is strictly prohibited by PAETEC.

PAETEC maintains a record for at least one year of its own and affiliates' sales and marketing campaigns that use customers' CPNI. PAETEC has established a supervisory review process to ensure any marketing campaigns are consistent with the FCC's CPNI rules. This process includes a periodic review by the company's senior marketing personnel who are responsible for approving any proposed outbound marketing requests that would require customer approval.

All PAETEC employees who have access to CPNI receive training about CPNI compliance. Specifically, all new customer service employees are provided with CPNI training at new-hire orientation. Moreover, PAETEC's Confidentiality of Information is included in its Employee Handbook, and all employees are required to acknowledge in writing that they have read and understand the information in the Employee Handbook. All PAETEC employees are required to maintain the confidentiality of all information, including customer information that is obtained as a result of their employment by PAETEC. Employees who do not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.

PAETEC has in place procedures to ensure that it will provide written notice to the FCC within five business days of any instance where its opt-out mechanisms do not work properly to such a degree that its customers' inability to opt-out is more than an anomaly. These procedures ensure that the notice will be in the form of a letter, and will include: (i) PAETEC's name; (ii) a description of the opt-out mechanism(s) used; (iii) the problem(s) experienced; (iv) the remedy proposed and when it will be or was implemented; (v) whether the relevant state commission(s) has been notified; (vi) whether PAETEC has taken any action; (vii) a copy of the notice provided to customers; and (viii) contact information. PAETEC will submit the above letter even if it offers other methods by which its customers may opt-out.

PAETEC has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise, PAETEC will notify affected customers after waiting the requisite timeframe. PAETEC will maintain a record of any CPNI-related breaches for a period of at least two years.

PAETEC has implemented procedures whereby it will not provide CPNI without proper customer authentication and does not provide call detail records over the phone. In order to authenticate a customer's identity prior to disclosing CPNI, PAETEC authenticates the customer using a variety of methods. Call detail records are provided via e-mail or U.S. mail to the customer's place of record. PAETEC has implemented a backup method for allowing customers to change passwords in the event that passwords are lost or forgotten that conforms to the rules. PAETEC has implemented procedures to inform the primary contact of any change of address, e-mail or if additional customer employees are seeking access to account information in a manner that conforms with the relevant rules.