

360networks (USA) inc.

Company Name

(Provide the full name of the company as certificated or registered with the Missouri Public Service Commission. Do not abbreviate; include any Commission approved d/b/a or fictitious name, if applicable.)

TELECOMMUNICATIONS COMPANY OR IVolP PROVIDER

ANNUAL REPORT TO THE MISSOURI PUBLIC SERVICE COMMISSION

For the Calendar Year of
January 1 - December 31, 2010

Please select how the company is certificated or registered with the Commission under the Company Name as shown above (check all that apply):

- ☐ Incumbent Local Telecommunications Company (not competitively classified ILEC)
- ☐ Incumbent Local Exchange Telecommunications Company (competitively classified ILEC)
- ☒ Competitive Local Exchange Telecommunications Company (CLEC)
- ☒ Interexchange Telecommunications Company (IXC)
- ☐ Local Non-switched Telecommunications Provider (classified in EFIS as IXC)
- ☐ Interconnected Voice over Internet Protocol Service Provider (IVolP)

Please choose one of the following filing options to indicate the security level of the filing:

- ☒ **Public submission** (NOT Proprietary or Highly Confidential)
- ☐ **Non-Public submission** (Highly Confidential or Proprietary)
(See instructions for special requirements.)

Please review the instructions document before proceeding by using the link below:

[Instructions - 2009 Annual Report Telco and IVolP](#)

1. State in full the company's information below:

<u>370 Interlocken Blvd., Suite 600</u>			<u>303-854-5000</u>
Company Street Address			Telephone Number
<u>370 Interlocken Blvd., Suite 600</u>			<u>303-854-5100</u>
Company Mailing Address			Fax Number
<u>Broomfield</u>	<u>CO</u>	<u>80021</u>	<u>charles.forst@360.net</u>
City	State	Zip	E-Mail Address

2. This company is currently a (check appropriate box):

☒ Corporation
 ☐ Sole Proprietorship
 ☐ LP
☐ Partnership
 ☐ LLC
 ☐ Other - Explain

3. Annual Report Contact Information:

List the contact information of the person completing the form, whether an employee or a third-party preparer. This may differ from the address in Item No. 1.

<u>Charles Forst</u>			<u>303-854-5210</u>
Name			Telephone Number
<u>370 Interlocken Blvd., Suite 600</u>			<u>303-854-5100</u>
Street Address			Fax Number
<u>370 Interlocken Blvd., Suite 600</u>			<u>charles.forst@360.net</u>
Mailing Address			E-mail Address
<u>Broomfield</u>	<u>CO</u>	<u>80021</u>	
City	State	Zip	

4. Identify the principal or general officers of the company at the end of the year. Please include an additional sheet, if enough space is not provided on this page, to completely provide the requested information.

<u>Title of General Officer</u>	<u>Name of Person Holding Office</u>
<u>President</u>	<u>Rob Frasene</u>
<u>CFO</u>	<u>Chris Mueller</u>
<u>CTO</u>	<u>Brady Adams</u>
<u>VP/GC/SEC</u>	<u>Gary Ray</u>

5. Please provide a list of all mergers, consolidations, and reorganizations involving the registered or certificated company and completed during the last year. Do not include internal company reorganizations or personnel issues.

None

6. Please provide the following information concerning the company's revenues for this calendar year:

Row	Revenues:	MO Jurisdictional (Column A)	Total Company ¹ (Column B)
I. RETAIL			
1.	Local Service Revenues include tariffed revenues attributed to local telecommunications services, extended area service, secondary features such as call forwarding, caller ID, local operator services, directory-related services, etc. and for IVoIP service.		
2.	Interexchange Revenues include revenues attributed to interexchange telecommunications services such as toll services, 800 services, interexchange operator services and interexchange IVoIP services.		
3.	Non-Switched Telecommunications Service Revenues include revenues attributed to retail local and interexchange private line services (but not special access or private line services provided to other telecommunications carriers).		\$7,458,397.00
4.	Bundled or Packaged Revenues include any revenues whereby the company is providing voice services in combination with multiple services whereby revenue can not be easily attributed to local, interexchange or non-switched categories. If such bundles includes Internet, video or some non-regulated service then the company's revenue shall be based on the company's rate offer for solely voice services. The excess revenue associated with the bundled service which is over the amount related to revenue associated with voice only service shall be recorded in the Total Company column. If voice service is only offered as part of a bundled service, the company shall identify all revenue associated with the bundle of services in the Missouri Jurisdictional column.		
5.	Retail Uncollectible Revenues from telecommunications revenues. (This amount is generally a negative number.)		
6.	RETAIL TOTAL (This amount should equal the total of Rows 1 - 5 above and should also match your Missouri Universal Service Fund Net Jurisdictional Revenue Report amount)		\$7,458,397.00
II. OTHER			
7.	Wholesale Revenues include intrastate switched, special access service revenues, carrier billing and collection revenues, and any other revenues derived from other telecommunications carriers.		\$38,954,050.00
8.	Miscellaneous Revenues² associated with non-retail services , such as, advertising revenues, rent revenues, corporate operations revenues, special billing arrangements, customer operations, plant operations, other incidental regulated revenues, and other revenue settlements. (NOTE FOR ILEC ONLY: refer to FCC account #s: 5230, 5240, 5250, 5261, 5262, 5263, 5264, 5269, and 5270.)		
9.	Other Uncollectible Revenues from other revenues. (This amount is generally a negative number.)		
10.	High-Cost Federal USF Revenues include all revenues received as support from the Universal Service Fund for the High-Cost program.	N/A	
11.	Other Federal USF Revenues include all revenues received as support from the Universal Service Fund for the following programs: Low Income, Schools and Libraries, and Rural Health.	N/A	
12.	State USF Revenues include all revenues received as support from the Universal Service Fund.		
13.	TOTAL REVENUES (This amount should equal the total of Rows 6 - 12 above.) Total MO Jurisdictional Revenue (Column A) should match Total Gross Intrastate Operating Revenue on the Statement of Revenue .		\$46,412,447.00

"Telecommunications Service" as defined by Missouri Revised Statutes Section 386.020(54).

"Interconnected Voice over Internet Protocol service" as defined by Section 386.020(23) RSMo.

¹ List total regulated revenue and IVoIP revenue provided by a registered company and, if applicable, non-regulated revenue for company name as listed at the top of this page. (This form may be submitted by an affiliate, but a separate form must be completed by each certificated or registered entity. Do not include revenues for any company NOT listed at the top of the page.

² If you have miscellaneous revenue related to retail telecommunications services, then enter it in Row 1.

For use when filing under seal.

Low Income and Disabled Universal Service Fund Subscriber Quantities

7. Do you offer basic local telecommunications service or IVoIP service as listed under 386.020 RSMo.?

☐ Yes

☒ No

If yes, please quantify the number of low income and disabled subscribers as reported to USAC (federal support, Form 497) and to the Missouri Universal Service Fund administrator for the past calendar year. (Insert "0"s if you do not have such subscribers.)

	Number of Missouri Low Income Subscribers	Number of Missouri Disabled Subscribers	
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
TOTAL:	0	0	



For use when filing under seal.

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¹ See instructions for additional clarification about filling out this page.

² **Exchange** refers to areas as listed in ILEC tariffs. (Exchanges are not always the same as rate centers, wire centers and central offices.) See instructions for additional clarification about filing out this page.

³ Facility-based refers to lines served whereby your company or an affiliate owns the switch and/or local loop. Exchange-based refers to lines as listed in the CLETS. Exchange-based refers to lines as listed in the CLETS. Exchange-based refers to lines as listed in the CLETS.

⁴ **Resale/UNE** refers to lines served whereby your company leases all switch and loop facilities from a non-affiliated carrier either through an agreement or a discounted tariffed rate.

⁵ **Wholesale to Non-registered Nomadic VoIP Providers** refers to arrangements where your company is providing wholesale services for a nomadic VoIP provider who is not registered with the Missouri PSC. (Do not use this column for retail line quantities or if your company sets the end user's rates.)

For use when filing under seal.

Relay Missouri Annual Billing, Collections and Retention

9. Do you offer basic local telecommunications service or IVoIP service as listed under 386.020 RSMo.?

☐ Yes☒ No

If yes, complete the following:

Month	Relay Missouri Revenue Collected (collected or received, according to your record-keeping methods)		Relay Missouri Retention Amount (of the amount collected)		Relay Missouri Revenue Remitted to Commission (of the amount collected)	
	**		**	**	**	**
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
Total						

10. Please indicate the per line value of the Relay Missouri Surcharge you charge your customers each month.

11. If your firm did not impose the Relay Missouri Surcharge, please explain:



For use when filing under seal.

**Annual Customer Proprietary
Network Information (CPNI)
Compliance Certificate**

(A copy of a company's FCC CPNI filing will suffice for the required descriptions for all items, unless H.2 is chosen, then an additional description must be attached.)

12. The company affirms having established operating procedures that are adequate to ensure compliance with the Missouri Public Service Commission's CPNI rules of 4 CSR 240-33.160(7).

Indicate which of the following apply with Y (Yes) or N (No).

☒

A. The company has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Attached is a brief description of the company's system.

☒

B. The company has implemented personnel training as to when personnel are or are not authorized to use CPNI including an express disciplinary process. Attached is a brief description of the company's training and disciplinary process.

☒

C. The company maintains records for at least one year of sales and marketing campaigns of its own, its agents, affiliates, joint venture partners and any independent contractors, that use its customers' CPNI. Such records include a description of each campaign, the specific CPNI that was used in the campaign and what products and services were offered as a part of the campaign. Attached is a brief description of the company's record maintenance system.

☒

D. The company has a supervisory review process for outbound marketing situations. Attached is a brief description of the company's review process.

☒

E. The company has procedures in place whereby the company will provide the Missouri Commission written notice within five business days of any instance where the opt-out mechanisms do not work properly, to such a degree that customers' inability to opt-out is more than an anomaly. Attached is a brief description of the company's procedures.

F. Actions Taken - Select one of the options from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

1. The company has not taken any actions against any individual or entity that unlawfully obtains, uses, discloses or sells CPNI.

G. Complaints Received - Select one of the options from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

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

H. Sharing CPNI Information - Select one of the options from the drop-down box below (by clicking the cell below and then clicking on the arrow to the right of the box directly below):

1. The company does not share CPNI with joint venture partners or independent contractors (except for billing and collection services)

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Annual Report of 360networks (USA) inc.

for the calendar year of January 1 - December 31, 2010

VERIFICATION

The foregoing report must be verified by the oath of the President, Treasurer, General Manager or Receiver of the company. The oath required may be taken before any person authorized to administer an oath (Notary Public) by the laws of the State in which the same is taken.

OATH

State Of Colorado }
County Of Broomfield } ss:

Gary Ray makes oath and says that
Name of Affiant (Company Official/Representative)

s/he is VP/GC/SEC.
Official Title of the Affiant (Company Official/Representative)

of 360networks (USA) inc.
Exact Legal Title or Name of the Respondent (Certificated Company Name)

and is located at 370 Interlocken Blvd., Suite 600 Broomfield, CO 80021,
Address and Telephone Number of the Affiant (Company Official/Representative)

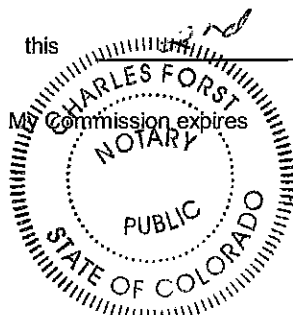
that s/he has 1) examined the foregoing report; to the best of his or her knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent, 2) examined (and updated as applicable) the company's contact information in EFIS; to the best of his or her knowledge, information, and belief, all listed contacts are correct, and 3) read the CPNI Certification, chosen the applicable alternatives and attached all required documentation, which is a true and correct description of the company's CPNI safeguards.

from January 1, 2010, to and including December 31, 2010
Month/Day Year Month/Day Year

Gary Ray
Signature of Affiant (Company Official/Representative)

Subscribed and sworn to before me, a Notary Public, in and for the State and County above named,

this 5th day of Feb, 2011.



5/13/2013

CLF
Signature of Notary Public

360networks (USA) inc.
Officers and Directors

Office/Title	Name	Address
President/Director	Rob Frasene	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
CFO	Chris Mueller	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP Finance	Tonny Oswald	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
CTO	Brady Adams	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP/GC/Sec.	Gary Ray	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP/GC	Ron Gustafson	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP Operations	Liza Dennehy	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP Billing	Mary Gail Sullivan	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021
VP Sales	Steve Cardwell	370 Interlocken Blvd., Suite 600 Broomfield, CO 80021



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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011

Date filed: January 21, 2011

Name of company(s) covered by this certification: 360networks (USA) inc.

Form 499 Filer ID: 821352

Name of signatory: Ron Gustafson

Title of signatory: VP, General Counsel

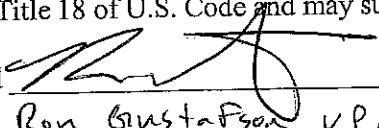
I, Ron Gustafson, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et 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 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) in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

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. Section 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 U.S. Code and may subject it to enforcement action.

Signed  [signature]

Ron Gustafson, VP/GC



Attachment
360networks (USA) inc.

360networks (USA) inc. (the "Company") provides dark fiber and conduit as well as Internet, private line, wavelength, optical transport, Gig E, and interconnected VoIP Services to its customers, which are primarily wholesale customers. The Company uses CPNI to initiate, provide and maintain service to customers, to bill and collect for such services, to protect against fraudulent, abusive or unlawful use of its services and as otherwise permitted or required by law.

The Company has implemented a system by which the status of each customer's CPNI approval can be established prior to the use of CPNI. The Company and its affiliates use CPNI to offer additional services to existing customers on a case-by-case basis, after proper notice and customer approval. For example, CPNI may be used by a Company sales representative to offer a higher capacity circuit to a customer that is over utilizing its current circuit. Records of these customer contacts are maintained in the electronic and hard copy files of the respective account representatives. However, the Company does not currently engage in any large-scale coordinated sales and marketing campaigns. The Company understands that if this were to change in the future, it would be required to maintain records including a description of each marketing campaign which used the CPNI, the specific CPNI that was used in the campaign and what products and services were offered as part of the campaign. The Company further understands that sales personnel must obtain supervisory approval of any outbound marketing campaign, which would require customer approval and has a review process in place regarding compliance with the rules for outbound marketing.

The Company protects CPNI from unauthorized and illegal use, access and disclosure. The Company does not share, sell, lease or otherwise provide CPNI to any of its suppliers, vendors or any other third parties for the purposes of marketing any services and has no plans to do so. Agreements with third parties that aid in the provision of customer services restrict the use and unauthorized disclosure of carrier and customer proprietary information. The Company also has implemented a system by which it may comply with the requirement that it provide notice to the Commission of any instance where the opt-out mechanisms do not work properly.

The Company additionally maintains a written policy, published in its Employee Handbook, which addresses the proper and improper uses of CPNI. The Company conducts a training program for its employees regarding the CPNI Policy and the safeguards required to protect against the unauthorized disclosure of CPNI. Employees that frequently work with CPNI (i.e., accounts receivable) are specifically instructed not to disclose CPNI to anyone other than the customer, with proper authentication. Failure to follow Company policy with regard to CPNI may result in escalating disciplinary action in accordance with the Employee Handbook up to and including termination of employment.