

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2009

Date filed: February 26, 2010

Name of company covered by this certification: Hypercube Telecom, LLC

Form 499 Filer ID: 824874

Name of signatory: Doug Davis

Title of signatory: Chief Technology Officer

I, Doug Davis, certify that I am an officer of Hypercube Telecom, LLC ("Hypercube" or the "Company"), and acting as an agent of Hypercube, that I have personal knowledge that Hypercube 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 Hypercube's procedures ensure that the company is in compliance with the requirements (including where applicable, those mandating the adoption of CPNI procedures, record keeping and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules

Hypercube has not taken any actions (i.e., proceedings instituted or petitions filed by Hypercube at either state commissions, the court system, or at the Commission) against data brokers in the past year, nor have any pretexters attempted to access CPNI maintained by Hypercube.

The company has not received any 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. § 1.117 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.

Signed   
Doug Davis  
Chief Technology Officer  
Hypercube Telecom, LLC

## **HYPERCUBE TELECOM, LLC STATEMENT OF COMPLIANCE WITH CPNI RULES**

Hypercube Telecom, LLC ("Hypercube" or the "Company") is a competitive telecommunications carrier providing wholesale services to other telecommunications carriers and application service providers that are designed to broaden and enhance their ability to interconnect their respective networks and allow them to exchange traffic with one another more effectively and efficiently. The Company's operations are focused on the provision of tandem switching and transport services to wireless carriers, interexchange carriers, competitive local exchange carriers, and incumbent local exchange carriers.

The Company only has access to limited forms of CPNI from its wholesale carrier customers and has adopted various operational procedures to assure that, consistent with the Commission's rules, all of the CPNI that it holds is protected from unauthorized and illegal use, access and disclosure.

Consistent with the CPNI rules, the Company may use, disclose and permit access to CPNI without customer approval (1) to render, bill and collect for services provided (2) to protect rights or property of the Company, other users or other carriers from unlawful use; and (3) for the purpose of network maintenance, repair and troubleshooting.

The Company does not use, disclose or permit access to CPNI for marketing purposes other than for the purpose of providing service offerings for the type of services to which the Company's customer already subscribes. It is therefore not required to seek approval from existing customers to use their CPNI and does not maintain a record of a customer's approval to use CPNI. In the event the Company changes its marketing practices or expands its service offerings so that customer approval is required, it will implement a system by which customers will be notified of such use and the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Furthermore, the Company does not share, sell, lease and otherwise provide CPNI to any of its affiliates, suppliers, vendors and any other third parties for the purposes of marketing any services.

The Company has implemented processes and procedures to train its personnel as to when they are and are not permitted to use CPNI. For instance, all Company employees receive CPNI training and are required to abide by the Company's CPNI Manual, which, *inter alia*, requires employees to maintain the confidentiality of all information, including CPNI, that is obtained as result of their employment by the Company. The Company's CPNI Manual also provides a comprehensive roadmap of how Company employees are required to use, maintain and disclose CPNI. Employees who violate the Company's CPNI Manual will be subject to discipline, including possible termination.

To the extent the Company engages in any market campaigns, it has established a supervisory review process to ensure that such campaigns are consistent with FCC's CPNI rules. The Company maintains a record for at least one year of its own and, if applicable, affiliates' sales and marketing campaigns, if any, that use customers' CPNI.

The Company does not provide CPNI without proper customer authentication on inbound telephone calls and only discusses over the phone call detail information that is provided by the customer. With respect to call detail information, the Company uses the information in switch records that are generated when the Company provides its tandem and transport services to bill for its services. The information in these switch records is not organized in a manner that would allow the Company to identify any individual end user customers and the Company only shares that information with its wholesale customers who are properly authenticated and then only by sending those records to the applicable customer's address of record. All Company customers have dedicated account representatives who serve as the primary customer contact. These account representatives personally know each customer. The Company does not provide online account access for its customers.

If a customer's address changes, the Company will notify the customer of that change by mailing such notice to the customer's address of record consistent with the FCC's CPNI Rules. Since the Company does use passwords or back-up secret questions for lost or forgotten passwords to authenticate its customers and does not offer online account access, the Company is not required to notify customers of changes to these items. In the event of a breach of CPNI that is maintained by the Company, it will provide law enforcement with notice of such CPNI breach. After notifying law enforcement and unless directed otherwise, the Company will notify affected customers and will maintain a record of any CPNI-related breaches for a period of at least two years as required by the applicable FCC CPNI rules.

In the event that the Company changes its marketing practices such that opt-out notices are required, the Company will implement procedures whereby it will provide the FCC 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.