

Customer Proprietary Network Information Policy Statement – 2010

EarthLink, Inc. (“EarthLink”), on behalf of itself and its subsidiaries, New Edge Network, Inc. (“NEN”), and DeltaCom, Inc., Business Telecom, Inc. and Interstate FiberNet, Inc. (collectively, the “DeltaCom Entities” and with EarthLink and NEN, the “Companies” or “we”), provides this statement pursuant to Section 64.2009(e) of the Federal Communications Commission’s rules, 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, it is the general policy of the Companies not to use, disclose or permit access to CPNI, absent customer consent, subject to the following exceptions. The Companies may use, disclose, or permit access to CPNI as follows:

- (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

At present, we make limited use of CPNI to market our services. We may use, disclose or permit access to CPNI to market service offerings among the categories of service to which the customer already subscribes. When we provide different categories of service, and a customer subscribes to more than one service category, we may share the customer’s CPNI with the affiliate that provides service to the customer. We do not share CPNI with third-parties for marketing purposes. In the event that we seek to market services to customers outside of the category of services to which the customer subscribes, or for any purpose other than as permitted without customer approval or as required by law, we solicit customer approval for such use of CPNI in accordance with the Commission’s CPNI rules. The 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.

Maintenance of Records

When CPNI is used or disclosed to third parties, the Companies maintain records of any such use or disclosure for a minimum of one year. The records 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. We have established a supervisory review process governing the use of CPNI for outbound marketing. Under such a process, all personnel are required to obtain the necessary supervisory approval before using CPNI for marketing purposes or disclosing CPNI to third parties.

Employee Training/Disciplinary Process

The Companies educate and train their employees regarding the appropriate use of CPNI and the Companies' CPNI procedures. The Companies have established disciplinary procedures for violations of their CPNI procedures.

Authentication and the Release of Call Detail Information

Procedures are in place at each Company to authenticate customers prior to disclosing CPNI in response to customer-initiated telephone and online contacts.

The DeltaCom Entities do not release call detail information during an in-bound call. Instead, they either call the customer back at the telephone number of record or send the requested call detail information to the address of record. In addition, the DeltaCom Entities have a system whereby access to online accounts is initially obtained through the use of a company-assigned personal identification number (PIN) which the customer uses to establish its own password, security hints, and back-up authentication. As an additional security measure for online accounts, the DeltaCom Entities periodically send via U.S. Postal Service to each retail customer's address of record a list of those e-mail addresses that have established access the customer's online account. This process provides the customer with the ability to verify that no unauthorized access to its online account information has occurred.

EarthLink's and NEN's policy is not to disclose CPNI to requesting customers via call center personnel unless an agreed-upon password is provided in the case of EarthLink or identifying customer specific account information is provided in the case of NEN. Note that NEN does not currently provide services that generate call detail information. Both EarthLink and NEN use password protection methods to protect online access to CPNI. In addition, the Companies' policy is to notify a customer immediately when the following are created or changed: (1) an account password; (2) a back up for forgotten passwords; (3) an online account; or (4) the address of record.

In addition, the Companies have implemented network security protections, including, but not limited to, encrypting certain data and data transmissions and limiting employee access to CPNI based on the employees' need to access such data.

CPNI Breaches

In accordance with the CPNI Rules, we have implemented procedures pursuant to which we will notify the United States Secret Service and the Federal Bureau of Investigation (collectively, "law enforcement") within seven business days after a reasonable determination of a breach of a customer's CPNI. Unless law enforcement directs otherwise, we will notify the affected customer of the breach as soon as practicable after the expiration of seven (7) business days after notification has been sent to law enforcement. We will maintain a record in accordance with Section 64.2011(d) of any breaches discovered, notifications made to law enforcement, and notifications made to customers for at least two years. In addition, if we take any actions against pretexters we will provide that information to the Commission in our annual certifications.

Customer Complaints

We have implemented a process to track customer complaints regarding unauthorized use, disclosure, or access to CPNI. We log customer complaints, including those pertaining to CPNI. If we receive complaints regarding CPNI, we will determine the category of each complaint and provide a summary of the complaints in the annual certification that we provide to the Commission.