

**American Fiber Network, Inc.'s Compliance Statement Regarding CPNI**

**For the Period January 1, 2009-December 31, 2009**

**Annual CPNI Compliance Certificate**

Name of company covered by this certification: American Fiber Network, Inc. ("AFN")

Date: March 12, 2010

I, Douglas C. Bethell, certify that I am an officer or agent of the company named above, and in my capacity have personal knowledge that the company has 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).

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. AFN's processes require that new customers signed a CPNI use authorization. This authorization is kept on file in AFN's offices in both paper and electronic form. AFN does not conduct marketing campaigns that use CPNI. If it did, AFN would not use the CPNI of those customers who withheld approval.

B. The company has implemented personnel training as to when they are and are not authorized to use CPNI including an express disciplinary process. AFN has procedures in place in its Customer Care division that allow only customers of record to obtain their specific call detail information. AFN has a code of conduct and training for all employees concerning these and handling of CPNI, and provides strict disciplinary measures for violations of the code.

C. AFN does not conduct marketing campaigns that use CPNI. If AFN did conduct marketing campaigns that use CPNI, AFN would maintain records for at least one year of their own, their agents' their affiliates', their joint venture partners' or their independent contractors' sales and marketing campaigns that use their customers' CPNI. Such records would 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. Additionally, AFN would not use the CPNI of those customers who withheld approval.

D. AFN, should it decide to implement a marketing campaign, has a supervisory review process for outbound marketing situations. Management would review the logistics of the campaign to insure the safety of CPNI and that customers who had not approved use of their information would be excluded from the campaign.

E. AFN 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.

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

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

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

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Annual Customer Proprietary Network     )  
Information Certification pursuant to       )  
Missouri PSC rule 4 CSR 240-33.160(7)    )

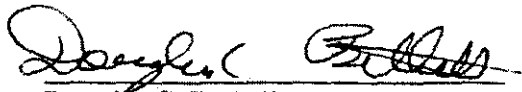
Filing No. BCPN-2010-

**AFFIDAVIT OF DOUGLAS C BETHELL**

STATE OF KANSAS            )

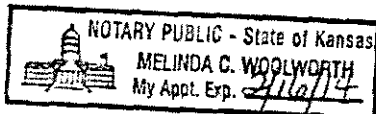
COUNTY OF JOHNSON        )

Douglas C. Bethell, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying CPNI compliance certificate and that the facts therein are true and correct to the best of his knowledge and belief.



Douglas C. Bethell  
President  
(913)338-2658  
[Doug.bethell@afnltld.com](mailto:Doug.bethell@afnltld.com)

Subscribed and affirmed before me this 15 day of MARCH, 2010.  
I am commissioned as a notary public in the county of Johnson, state of Kansas and my  
commission expires on 2/16/14.

  
Notary Public