

# Reminder: Customer Proprietary Network Information ("CPNI") Annual Officer Certification Due March 2, 2015

February 9, 2015

**Please be reminded of the upcoming due date for the Report listed below:**

Note: The following filing has a March 1 filing deadline. However, because the filing deadline falls on a weekend, the filing is due on or before March 2, 2015.

## Section 64.2009(e) - Customer Proprietary Network Information ("CPNI") Annual Certification

Section 64.2009(e) requires that all telecommunications carriers, including interconnected voice over Internet protocol service providers, must file annually, a certification of the filer's compliance with the Federal Communications Commission's CPNI rules. The upcoming certification covers calendar year 2014 and must comply with the following requirements:

- Be signed by an officer of the company who certifies that he or she has "personal knowledge that the company has established operating procedures that are adequate to ensure compliance" with the CPNI rules;
- Include an explanation of any actions taken against data brokers or a statement that the carrier has not taken any such action;
- Summarize all customer complaints received in the prior year regarding unauthorized release of CPNI or include a statement that the carrier has not received any such complaints; and
- Include a statement explaining how the company's operating procedures ensure that the company is or is not in compliance with the rules. The FCC's Enforcement Bureau has emphasized that "[s]imply stating that the company has adopted operating procedures without explaining how compliance is being achieved does not satisfy this requirement." Consequently filers should ensure they have appropriate CPNI policies in place.

The upcoming CPNI certification must cover calendar year 2014 and be filed with the Commission no later than **March 2, 2015**. Note that the Commission actively enforces the CPNI certification requirement, including procedural items such as the officer certification and separate statement explaining the filer's compliance, and typically imposes penalties of \$25,000.00 for failure to file.

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Please be advised that attorneys in Kelley Drye & Warren's [Communications Practice Group](#) are

experienced in preparing and filing the annual CPNI certification and are able to assist clients in filing the certification and preparing CPNI policies.

For further information on any of these filings please contact your usual Kelley Drye attorney.