



## CUSTOMER PROPRIETARY NETWORK INFORMATION ("CPNI") PROTECTION POLICY

Employees, contractors, agents, affiliates and partners of Citynet, LLC (collectively "Citynet"), including sales and marketing agents, are obligated to protect the confidentiality of customer information. Customer information obtained by Citynet by virtue of its provision of telecommunications service may be considered Customer Proprietary Network Information ("CPNI"), and be subject to legal protection under Federal law and regulations. Citynet supports these laws and regulations, and requires that its employees, contractors, agents, affiliates and partners comply with the policy set forth in this document.

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See Glossary at the end of this document for meanings of underlined terms.

### WHAT IS CPNI?

#### **CPNI is defined by Federal statute:**

The term "customer proprietary network information" means - (A) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information.

#### **CPNI includes most information we collect about a customer because of their purchase of telecommunications services from us; this includes:**

- Information about the **types** of service a customer buys, such as the technical configuration, destination and location of services a customer purchases from Citynet. This may include design layout reports, service addresses, originating and terminating locations, circuit speed and capacity, etc.
- Information about the **amount** of service a customer purchases from Citynet. For example, this may include the number of lines, circuits, calls, minutes, or the amount of equipment, subscribed to by the customer.
- Information about a customer's **usage** of telecommunications services, including numbers called, calls received, and optional features utilized.



- Information contained in a bill sent to the customer by Citynet.

**CPNI does not include:**

- Information that was not obtained by Citynet by virtue of its carrier-customer relationship with the customer. For example, market information that the company may purchase from an outside source that happens to include data concerning one of Citynet's customers. However, information we obtain from a Citynet affiliate that also provides service to a customer is deemed to be CPNI.
- Subscriber List Information. This is defined term under Federal law, and it means any information of a Citynet subscriber (such as name, address, telephone number or classification) that the company or an affiliate has published, caused to be published, or accepted for publication in a directory.

## RESTRICTIONS ON USE OF CPNI

### HOW MAY CPNI BE USED *WITHOUT* THE CUSTOMER'S APPROVAL?

- CPNI may always be used to provide the telecommunications service that the customer has purchased (such as customer service and repair), or to provide services necessary to, or used in, the provision of such telecommunications services, including the publishing of directories.
- Citynet may use CPNI, without notice or approval, to bill and collect for services rendered, and to protect the company's rights and property (including fraud control).
- Aggregate Customer Information may be used without restriction. However, if the company uses Aggregate Customer Information for purposes other than providing telecommunications services, it must make the same aggregate information available to other parties upon request, on reasonable and non-discriminatory terms and conditions.
- For wire line service, CPNI may be used, without notice or customer approval, for the provision of customer premise equipment ("CPE"), call answering, voice mail or messaging, voice storage and retrieval services, fax storing and forwarding services and protocol conversion.
- CPNI may be used, without notice or approval, for marketing Citynet's services within a category of services to which the customer already subscribes. The FCC recognizes three (3) categories of telecom services: local, inter-exchange and CMRS (mobile wireless) service. Therefore, if a customer already subscribes to Citynet's local service, the company may, without notice or approval, use that customer's CPNI for the purpose of marketing additional local services (but not inter-exchange or CMRS service).
- CPNI may be used to assist with any inbound telemarketing or administrative service for the duration of the customer's call, if the customer orally approves use of CPNI in this manner.



## HOW CAN CPNI BE USED WITH THE CUSTOMER'S APPROVAL?

- CPNI may be used to market Citynet's Communications-Related Services, and may be disclosed to Citynet's affiliates, as well as the company's third-party agents and joint venture partners providing Communications-Related Services, if the customer has received notice and has given approval by the "opt out" procedure. (See, infra). Specific requirements apply to how customer notices must be given (see pages 5-6) and the rules pertaining to "opt out" approval must be closely observed.
- CPNI may be disclosed to unrelated third parties and affiliates that do not provide communications-related services only if the customer's consent is obtained by the "opt in" procedure.

## WHEN IS THE COMPANY REQUIRED TO DISCLOSE CPNI?

- Citynet must provide CPNI to any person designated by the customer, upon receipt of an affirmative written request from the customer. In general, the company cannot encourage a customer to freeze third-party access to CPNI.
- When required by law. Any subpoenas, warrants court order or the like must be immediately provided to Citynet's General Counsel for response.

## HOW CITYNET OBTAINS APPROVAL FROM A CUSTOMER TO USE CPNI

### OPT OUT

- The "opt out" approval method requires that the customer receive an individual notice (by written or electronic means) that the company intends to use the customer's CPNI. Such notices must be sent by the company 30 days before the customer's approval to use CPNI is inferred (33 days for notices sent by mail). If the customer communicates to Citynet that use of the CPNI is not approved, the company will honor that customer's decision to "opt out". In limited cases, oral approvals may be allowed, as described below in the section entitled Special Requirements Applicable to One-Time Oral Notices to Customers.
- If the company elects to send opt out notices by e-mail, the customer must previously have agreed to receive e-mails regarding their account. The subject line of the e-mail must clearly and accurately identify the topic, and the customer must have the option of replying directly to the e-mail. If the e-mail is returned as undeliverable, Citynet may not use the customer's CPNI until the required notice is given by another means. The customer must be able to opt out at no cost and be able to notify the company of his or her decision on a 24-hour/7-day-per-week basis.
- Opt out approval must be refreshed every two years by sending a new notice, with a new 30 or 33 day waiting period for approval.



## OPT IN

- This method requires Citynet to obtain from the customer an affirmative, express consent – in oral, electronic or written form – allowing the requested CPNI usage, disclosure or access, after receiving appropriate notification.
- Although customer approvals under the opt in method may be obtained orally, Citynet allows oral approvals only with written authorization of the company's management. If oral approval is received, the burden will lie on the company to show that the customer received all of the information that would otherwise have been required in writing, and gave the necessary approval.

## NOTICE REQUIREMENTS APPLICABLE TO BOTH THE OPT IN & OPT OUT METHODS OF APPROVAL

- Notices to customers must be clearly written, legible, and provide sufficient information to enable the customer to make an informed decision to allow or deny use of CPNI. The company must describe what CPNI is, how it is proposed to be used by the company, and what specific entities may receive the CPNI if approval is granted. Although the notice may advise the customer that use or disclosure of CPNI will enhance Citynet's ability to provide services to the customer, the notice must also state that the customer has the right, and Citynet has the duty under Federal law, to protect the confidentiality of CPNI. The customer must be informed of his or her right to deny or later withdraw approval of Citynet's proposed use of CPNI, and also be advised of the precise steps that must be taken in order to grant or deny approval of such use. Customers must be notified that denial of access to CPNI will not affect the provision of any services to which the customer subscribes.

## SPECIAL REQUIREMENT APPLICABLE TO ONE-TIME ORAL NOTICES TO CUSTOMERS

- In general, one-time oral notices are appropriate when the company has made a one-time inbound or outbound telephone contact with the customer and access to CPNI is useful to analyze the customer's existing service. In such cases, Citynet may use oral notices to obtain limited, one time use of CPNI only for the duration of the call, irrespective of whether the company uses opt-out or opt-in approval with respect to that customer. When using the one-time oral notice method, the customer must be advised of the same information that would otherwise be provided in a written or electronic notice. However, certain information may be omitted from the oral notice, if it is clearly inapplicable, including: (a) notice that CPNI will be shared with affiliates or third parties; (b) the specific steps are necessary to approval or restrict use of CPNI; and (c) previous opt-out decisions require no further action to maintain the opt-out election. Notation should be made in the customer's record of any one-time oral notice to the customer and the customer's acceptance or rejection of one-time use of CPNI.



## HOW TO VERIFY A CUSTOMER'S APPROVAL AND OBTAIN SUPERVISORY APPROVAL FOR PROPOSED OUTBOUND MARKETING EFFORTS

### CUSTOMER APPROVAL DATABASE

- Citynet maintains a customer account database that identifies whether or not a Customer has given approval for access to its CPNI. Employees, contractors, agents, affiliates and partners of the company, including sales and marketing agents, are obligated to refer to that database before using, disclosing or permitting access to a customer's CPNI.
- Employees, contractors, agents, affiliates and partners of the company, including sales and marketing agents, are prohibited from using, disclosing or permitting access to CPNI of any customer who has not given approval. Disciplinary action may result from violation of this prohibition.
- Please report any inaccuracies found in the customer approval database promptly to the Call Center Supervisor.

### SUPERVISORY REVIEW REQUIRED BEFORE MAKING A REQUEST FOR CUSTOMER APPROVAL

- Employees, contractors, agents, affiliates and partners of the company, including sales and marketing agents, must obtain supervisory review before making any request to a customer to use, disclose or permit access to CPNI. All requests for such review should be directed to a sales supervisor. The review shall ensure that the requirements of this policy statement are adhered to. Provided, however, call center employees, sales personnel and sales support personnel are authorized to request consent to use CPNI information from a customer during an inbound call without supervisory approval.

### CONFIDENTIALITY AGREEMENTS WITH CONTRACTORS AND JOINT VENTURERS

Citynet may share CPNI with a partner, contractor or agent only after that person or entity has entered into a confidentiality agreement with the company. The confidentiality agreement must include the following:

- Require that the partner, contractor or agent use the CPNI only for the purpose of marketing or providing the Communications-Related Services for which it was provided;
- Disallow the partner, contractor or agent from using, allowing access to or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- Require that the partner, contractor or agent have appropriate protections in place to ensure the ongoing confidentiality of the customer's CPNI.

All such agreements must be reviewed and approved by Citynet's General Counsel before execution.



## RETENTION AND WIN-BACK

### RESTRICTIONS ON USE OF CARRIER PROPRIETARY INFORMATION TO RETAIN CUSTOMERS

- If the company learns by receipt of another carrier's order to switch the customer, or another carrier's change request, that a customer plans to switch from Citynet to another carrier, Citynet prohibits its employees, agents, contractors or affiliates from using that information to attempt to dissuade the subscriber from leaving.
- It is specifically prohibited to access call records for the purpose of identifying customers who may have called or been called by any of our competitors.
- Subject to this policy statement on use of CPNI, if the company learns that a customer is switching to another carrier through an independent source (e.g., from a communication received directly from the customer), CPNI may be used to persuade the customer to stay. All notice and consent requirements must be observed.
- Subject to this policy on use of CPNI, Citynet encourages marketing campaigns to win back former customers that have switched to other carriers. If CPNI is used as part of a "win-back" campaign, all notice and consent requirements must be observed.

## TRAINING, REPORTING AND RECORD KEEPING

### TRAINING REQUIREMENTS

- Citynet will provide a means for all its employees, contractors, agents, affiliates and partners of the company, including sales and marketing agents, to receive training in the proper uses of CPNI, including a familiarity with this policy statement. Anyone who has not received the required training should contact Citynet's General Counsel.

### REPORTING REQUIREMENTS

- Citynet's General Counsel is responsible for all government reporting requirements in connection with CPNI.
- Citynet will provide a written report to the Federal Communications Commission ("FCC") of any instance in which the opt out method has failed to work properly, to such a degree that consumers' inability to opt out is more than an anomaly. The company's report will be filed with the FCC within five (5) business days after learning of such failure. Any employee who becomes aware of any malfunction in the opt out system should immediately report it to Citynet's General Counsel.



## RECORD-KEEPING REQUIREMENTS

- Citynet will maintain records of approval, whether oral, written or electronic, for a minimum of one year. A customer's approval or disapproval will remain in effect until the customer revokes or limits such approval or disapproval. A customer's approval or disapproval will be contained with their account information in Citynet's Intranet system.

## GLOSSARY

**"Aggregate Customer Information"** means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed.

**"Customer Proprietary Network Information (CPNI)"** means (a) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (b) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information.

**"Carrier Proprietary Information (CPI)"** means a request from one carrier to another to *switch* a customer.

**"Communications-Related Services"** means telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision and maintenance of customer premises equipment. Information services that are typically provided by telecommunications carriers include Internet access and voice mail services. Retail consumer services provided by use of Internet websites (such as travel reservation services or mortgage lending services), are not typically provided by telecommunications carriers and are not considered to be Communications-Related Services, whether or not such services may otherwise be considered to be information services.

**"Subscriber List Information"** means any information of a Citynet subscriber (such as name, address, telephone number or classification) that the company or an affiliate has been published, caused to be published, or accepted for publication in a directory.

**"Telecommunications Carrier or Carrier"** has the meaning set forth in Section 3(44) of the Communications Act of 1934, as amended. Generally, a telecommunications carrier is a provider of transmissions services directly to the public for a fee, between or among points specified by the user, without change in the form or content of the information as sent and received. Only for purposes of this policy, all Citynet entities are considered telecommunication carriers.