

**WEST-COL RADIO PAGING, INC.**  
167 South 17<sup>th</sup> Street  
Grand Junction, Colorado 81501

February 28, 2006

**VIA ECFS**

Marlene H. Dortch, Secretary  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Attention: Enforcement Bureau  
Telecommunications Consumers Division**

**Re: EB Docket No. 06-36 & EB-06-TC-060**

Dear Ms. Dortch:

Pursuant to the Commission's Public Notice dated January 30, 2006 entitled "Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications" (DA 06-223), we are submitting our Certification of CPNI Filing, February 7, 2006" and our statement explaining how our operating procedures ensure compliance with the Commission's CPNI Rules.

To the extent deemed necessary by the Commission, we request a waiver/extension of the February 6, 2006 deadline announced in the Commission's January 30, 2006 Public Notice to permit the filing of our CPNI Certification on February 7, 2006. The requirement for filing the CPNI report did not come to our attention in time to make the filing by February 6. We first learned of the applicability of the CPNI reporting requirement well after the February 6 deadline. Because we do not have Internet access, we were not able to research the details of this requirement or obtain a copy of the FCC's Public Notices. We only learned that the filing requirement applied to us through a telephone call with the FCC's staff. We are only now able to complete the filing because Mr. Aguilera was out of town and not available to execute the certification as the responsible officer. Since the Public Notice announcing the reporting requirement was not released until a mere six days prior to the deadline, and was not mailed or otherwise sent to us, there are good grounds for a brief waiver/extension. As a very small business, we do not have the resources to dedicate an individual to reviewing all of the FCC's releases on a daily basis.

02/28/2006 14:44 9702579478  
02-28-2006 14:38 JILL AGUILERA 480-595-0459  
02/28/2006 14:32 9702579478  
02/27/2006 19:38 2828206560

WCRP&SRI

PAGE 03

WCRP&SRI  
BLOOSTON ET AL

PAGE1  
PAGE 01  
PAGE 03/07

2

In accordance with Section 1.12 of the Commission's Rules, please direct any questions or correspondence regarding this matter to our counsel, Richard D. Rubino, Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, 2120 L Street, N.W., Suite 300, Washington, DC 20037.

Sincerely yours,



2/28/06

Phil Aguilera  
President

**Attachment**

cc (via E-Mail): Bryan McCoy, Telecommunications Consumers Division  
Enforcement Bureau

Best Copy and Printing, Inc.

**CERTIFICATION OF CPNI FILING, FEBRUARY 28, 2006**  
**[Section 64.2009(e) of FCC Rules]**

**EB-06-TC-060**  
**EB DOCKET NO. 06-36**

*PA*  
*officer of*

I hereby certify that I am an West-Col Radio Paging, Inc.; and

I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Customer Proprietary Network Information rules and requirements in Subpart U of Part 64 of the Federal Communications Commission's Rules (47 C.F.R. §§64.2001 through 64.2009). The attached Statement of CPNI Compliance explains how the Company's operating procedures ensure that it is in compliance with the foregoing FCC rules; and

I am making this certification for the year 2006.

 2/28/06  
Phil Aguilera, President

February 28, 2006

## **WEST-COL RADIO PAGING, INC.**

### **STATEMENT EXPLAINING HOW THE COMPANY'S OPERATING PROCEDURES ENSURE COMPLIANCE WITH THE FCC'S CPNI RULES**

#### **I. Customer Proprietary Network Information ("CPNI")**

CPNI is defined in Section 222(f) of the Communications Act as (A) information that relates to the quantity, technical configuration, type, destination, 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 CPNI does not include subscriber list information).

Generally, CPNI includes personal information regarding a consumer's use of his or her telecommunications services. CPNI encompasses information such as: (a) the telephone numbers called by a consumer; (b) the length of a consumer's phone calls, and (c) the telecommunications and information services purchased by a consumer.

#### **II. Use of CPNI Is Restricted**

The Company recognizes that CPNI includes information that is personal and individually identifiable, and that privacy concerns have led Congress and the FCC to impose restrictions upon its use and disclosure, and upon the provision of access to it by individuals or entities inside and outside the Company.

The Company has designated a CPNI Compliance Officer who is responsible for: (1) communicating with the Company's attorneys and/or consultants regarding CPNI responsibilities, requirements and restrictions; (2) supervising the training of Company employees and agents who use or have access to CPNI; and (3) receiving, reviewing and resolving any questions or issues arising within the Company regarding use, disclosure, or provision of access to CPNI.

Company employees and agents that may deal with CPNI have been informed that there are substantial federal restrictions upon CPNI use, distribution and access. In order to be authorized to use or access the Company's CPNI, employees and agents must receive training with respect to the requirements of Section 222 of the Communications Act and the FCC's CPNI Rules (Subpart U of Part 64 of the FCC Rules).

### III. Permissible Uses of CPNI

Company employees and agents are strictly prohibited from using CPNI, and from providing CPNI to individuals or entities inside or outside the Company, except as follows:

1. The Company may, after receiving an appropriate request from a customer, disclose or provide the customer's CPNI to any person or entity designated by the customer. Any and all such customer requests: (1) must be made in writing; (2) must include the customer's correct billing name and address and telephone number; (3) must specify exactly what type or types of CPNI must be disclosed or provided; (4) must specify the time period for which the CPNI must be disclosed or provided; and (5) must be signed by the customer.
2. In the absence of an appropriate written request from the customer, the Company may provide the customer's phone records or other CPNI to a law enforcement agency only in response to a lawful warrant or subpoena that specifies the particular CPNI to be furnished.
3. The Company may use, disclose or permit access to CPNI to provide the same category of telecommunications service to a customer from which the CPNI is derived.
4. The Company and its authorized employees may use, disclose or permit access to CPNI to provide services necessary to, or used in, the provision of the telecommunications service from which the CPNI is derived.
  - a. The FCC has noted the publishing of directories as an example of this permitted use.
  - b. The FCC has indicated that telecommunications carriers may use, disclose or permit access to CPNI, without customer approval, to provide maintenance, and repair services.
  - c. The FCC has stated that commercial mobile radio service providers may use CPNI, without customer approval, to market "adjunct-to-basic" services.
  - d. Any other use, disclosure or provision of CPNI under this "necessary to or used in the provision of" category must be expressly approved in writing by the Company's CPNI Compliance Officer.
5. The Company, its authorized employees and its billing agent may use CPNI to initiate, render, bill and collect for telecommunications services.
6. The Company may use CPNI to protect the Company's rights or property, and to protect users and other carriers from fraudulent, abusive or illegal use of (or subscription to) the telecommunications service from which the CPNI is derived.
7. The Company may use, disclose, or permit access to CPNI derived from its provision of Commercial Mobile Radio Services, without the customer's approval, to provide customer premises equipment ("CPE") and information services.

8. If a customer subscribes to more than one category of service offered by the Company, the Company is permitted to share CPNI among its affiliated entities that provide a service offering to the customer. If a customer does not subscribe to more than one offering by the Company, the Company is not permitted to share CPNI with its affiliates without the customer's consent pursuant to the notice and approval procedures set forth in Sections 64.2007, 64.2008 and 64.2009 of the FCC's Rules.

9. When an existing customer calls the Company to inquire about or order new, additional or modified services (in-bound marketing), the Company may use the customer's CPNI to assist the customer for the duration of the customer's call if the Company provides the customer with the oral notice required by Sections 64.2008(c) and 64.2008(f) of the FCC's Rules.

10. The Company has adopted a policy that it does not and will not use, disclose, or permit access to CPNI in connection with Company-initiated marketing of services to which a customer does not already subscribe from the Company (out-bound marketing).

#### **IV. CPNI Compliance Officer**

In addition to the specific matters required to be reviewed and approved by the Company's CPNI Compliance Officer, employees and agents are strongly encouraged to bring any and all other questions, issues or uncertainties regarding the use, disclosure, or access to CPNI to the attention of the Company's CPNI Compliance Officer for appropriate investigation, review and guidance. The extent to which a particular employee or agent brought a CPNI matter to the attention of the CPNI Compliance Officer and received appropriate guidance is a material consideration in any disciplinary action brought against the employee or agent for impermissible use, disclosure or access to CPNI.

#### **V. Disciplinary Procedures**

The Company has informed its employees and agents that it considers compliance with the Communications Act and FCC Rules regarding the use, disclosure, and access to CPNI to be very important.

Violation by Company employees or agents of such CPNI requirements will lead to disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received from the CPNI Compliance Officer, and the extent to which the violation was or was not deliberate or malicious).