

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB DOCKET 06-36

Annual 64.2009(e) CPNI Certification for 2008

Date filed: February 25, 2009

Name of company covered by this certification: Phone.com

Form 499 Filer ID: __827009__

Name of signatory: Ari Rabban

Title of signatory: President

I, Ari Rabban, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions against data brokers in the past year nor have any pretexters attempted to access CPNI.

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

SIGNED



**ARI RABBAN
PRESIDENT**

CERTIFICATION OF CPNI FILING
FEBRUARY [INSERT], 2008
EB Docket No. 06-36; EB-06-TC-060

Statement of CPNI Procedures and Compliance

Phone.com does not use or permit access to CPNI to market any services outside of the “total services approach” as specified in 47 CFR §64.2005. Nor does the Company allow affiliates or third parties access to CPNI for marketing-related purposes. If Phone.com elects to use CPNI in a manner that does require customer approval, it will follow the applicable rules set forth in 47 CFR §64.2001 *et seq.*, including the institution of operational procedures to ensure that the appropriate notification is provided and customer approval is obtained before CPNI is used or disclosed. Phone.com will develop and implement an appropriate tracking method to ensure that customers’ CPNI approval status can be verified prior to using CPNI for marketing-related purposes. The Company will also adopt the requisite record-keeping requirements should it use CPNI in the future for marketing-related purposes.

Consistent with the Commission’s rules, Phone.com uses, discloses, and permits access to CPNI without customer approval for the purposes of: (1) billing and collecting for services rendered; (2) protecting the rights and property of Phone.com, other users, and other carriers from unlawful use; (3) providing inside wiring, installation, maintenance, and repair services; and (4) providing or marketing services that are within the same class of services to which the customer already subscribes.

Phone.com does not currently market to customers that call and make inquiries concerning their account information. But should the Company choose to do so in the future, it will obtain a customer’s oral authorization. Phone.com will also require each representative to provide the disclosures required by 64.2008(c) of the CPNI rules including informing customers of their right to deny access to the CPNI before requesting this one-time consent.

Phone.com has implemented procedures whereby it will not provide CPNI without proper customer authentication and does not provide call detail records over the phone. Call detail records are provided exclusively via e-mail or U.S. mail, to the postal or electronic address of record. In order to authenticate a customer’s identity prior to disclosing CPNI, Phone.com authenticates the customer using a variety of methods. Phone.com has implemented procedures to inform customers of change of address, e-mail and other changes to account information in a manner that conforms with the relevant rules.

Phone.com has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise, Phone.com will notify affected customers. Phone.com will maintain a record of any CPNI-related breaches for a period of at least two years.

All Phone.com employees who have access to CPNI receive training about CPNI compliance. Specifically, a summary of Phone.com’s CPNI policies are included in its Employee Handbook, and all employees are required to acknowledge in writing that they have read and understand the information in the Employee Handbook. All Phone.com employees are required to maintain the confidentiality of all information, including customer information that is obtained as a result of their employment by Phone.com. Employees who do not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.