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**VIA ELECTRONIC FILING**

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Suite TW-A325
Washington, D.C. 20554

**Re: Annual 47 C.F.R. § 64.2009(e) CPNI Certification for Innovative Business Systems, a business unit of Innovative Communication Corporation**
**EB Docket No. 06-36**

Dear Ms. Dortch:

Innovative Business Systems, a business unit of Innovative Communication Corporation, by its attorneys and pursuant to Section 64.2009(e) of the Commission's rules, 47 C.F.R. § 64.2009(e), hereby submits its Annual 47 C.F.R. § 64.2009(e) CPNI Certification and Accompanying Statement for calendar year 2008.

Please contact the undersigned should you have any questions about this submission.

Respectfully submitted,

*/s/ Edgar Class*

Edgar Class
Counsel to Innovative Business Systems,
a business unit of Innovative
Communication Corporation

cc: FCC Enforcement Bureau, Telecommunications Consumers Division
Best Copy and Printing, Inc.

Enclosure

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

**EB Docket No. 06-36**

Stan Springel signs this Certificate of Compliance in accordance with Section 222 of the Communications Act of 1934, as amended, 47 U.S.C. § 222, and Section 64.2009 of Title 47 of the Code of Federal Regulations, on behalf of Innovative Business Systems, a business unit of Innovative Communication Corporation. Innovative Business Systems exited the pay phone business on July 31, 2008 and it does not provide telecommunications service at this time. This Certification covers the period January 1, through July 31, 2008 (the "Period") and addresses the requirement of 47 C.F.R. § 64.2009 that the company provide both a Certificate of Compliance and a "statement accompanying the certificate" to explain how its operating procedures ensure compliance with 47 C.F.R. §§ 64.2001- 2009. During the Period, the company adhered to the attached policies, which demonstrate how it was in compliance with federal CPNI rules. All statements refer to the Period.

I, Stan Springel, as Chapter 11 Trustee for the bankruptcy estate of Innovative Communication Corporation, of which Innovative Business Systems is a business unit ("the Company"), and acting as an agent of the Company, certify as follows:

1. I am Chapter 11 Trustee for the bankruptcy estate of the Company.[1] My business address is: 100 Pine Street, Suite 2200, San Francisco, CA 94111.

2. I have personal knowledge: (i) of the facts stated in this Certificate of Compliance, and (ii) that the Company established operating procedures that were adequate to ensure compliance with the Federal Communications Commission's ("FCC") customer proprietary network information ("CPNI") rules.

3. The Company established a system by which the status of a customer's approval for use of CPNI, as defined in 47 U.S.C. § 222(h)(l), could be clearly established prior to the use of CPNI. The Company relied on the involvement of its high-level management to ensure that CPNI was not used until a full review of applicable law occurred.

4. The Company had a training program regarding when employees were authorized to use CPNI, as well as when they were not authorized to use CPNI. Company personnel were prohibited from making any decisions regarding CPNI without first consulting with Micaele Breton, the Company's Compliance Officer for CPNI matters. It was Company policy to discipline personnel who made unauthorized use of CPNI.

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[1] Innovative Communication Corporation (ICC) is in Chapter 11 bankruptcy and currently has no officers. As the Chapter 11 Trustee for the bankruptcy estate of ICC, I am empowered to act on behalf of ICC, including Innovative Business Systems, an ICC business unit. *See In re Innovative Communication Corp.*, Appointment of Chapter 11 Trustee and Setting of Bond, Case No. 07-30012, U.S. District Court for the Virgin Islands, Division of St. Thomas and St. John, Bankruptcy Division (entered Oct. 4, 2007).

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5. The Company's policy was to maintain records of its own sales and marketing campaigns that used CPNI. The Company likewise maintained records of its affiliates' sales and marketing campaigns that used CPNI. The Company also maintained records of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. These records include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. The Company will maintain these records in its offices for a minimum of one year.

6. The Company's policy was to maintain records of customer approval for use of CPNI, as well as notices required by the FCC's regulations, for a minimum of one year.

7. The Company's policy was to maintain records of a CPNI breach for a minimum of two years. These records were to include a description of the steps the company took to prevent the breach, how the breach occurred, the impact of the breach and proof of notification to law enforcement and the customer, if applicable.

8. The Company had a supervisory review process regarding compliance with the FCC's rules relating to protection of CPNI for outbound marketing situations. The purpose of this supervisory review process was to ensure compliance with all rules prior to using CPNI for a purpose for which customer approval was required. Company personnel, prior to making any use of CPNI, were required to first consult with Ms. Breton regarding the lawfulness of using the CPNI in the manner contemplated. In deciding whether the contemplated use of the CPNI was proper, Ms. Breton was to consult one or more of the following: the Company's own compliance manual, the applicable FCC regulations, the FCC's Compliance Guide, and if necessary, legal counsel. The Company's sales personnel were required to obtain supervisory approval from Ms. Breton regarding any proposed use of CPNI.

9. Further, Ms. Breton oversaw the use of opt-in, opt-out, or any other approval requirements or notice requirements (such as notification to the customer of the right to restrict use of, disclosure of, and access to CPNI), contained in the FCC's regulations. Ms. Breton also reviewed all notices required by the FCC regulations for compliance therewith.

10. Ms. Breton also ensured that the Company entered into confidentiality agreements, as necessary, with any joint venture partners or independent contractors to whom it disclosed or provided access to CPNI.

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11. Ms. Breton oversaw the completion and submission of the Annual CPNI Certification and Accompanying Statement, which are due on or before March 1 each year. The Annual CPNI Certification includes explanation of any action taken against data brokers, a summary of all customer complaints, and an explanation of breaches.

12. There were no complaints received, or actions taken against, data brokers by the Company with respect to an unauthorized disclosure of customer CPNI nor, to my knowledge, were there any incidences of unauthorized disclosure of customer CPNI.

By: _____
Stan Springel
Chapter 11 Trustee

Date: Feb 27, 2009

Innovative Communication Corporation,
of which Innovative Business Systems is
a business unit

**Accompanying Statement to Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

Innovative Business Systems, a business unit of Innovative Communication Corporation ("the Company") adhered to the following guidelines:[2]

**General Company Policies**

The Company used, disclosed, or permitted access to CPNI to protect the rights or property of the Company, or to protect users of services it provided and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

The Company shared CPNI only among the carrier's affiliated entities that provided a service offering to the customer. Except as noted herein, the Company did not share CPNI with its affiliates from which its customer did not take service.

The Company did not use, disclose, or permit access to CPNI to market to a customer service offerings that were within a category of service to which the subscriber did not already subscribe from the Company, unless: (i) the Company had customer approval to do so, or; (ii) such CPNI fell within the exceptions specified in 47 C.F.R. § 64.2005(c), or Section 222(d) of the Communications Act.

**Company Policies Regarding the Notice Required for Use of Customer Proprietary Network Information.**

Prior to any solicitation for customer approval, the Company provided notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

The Company might have sought alternatively either "opt-in" or "opt-out" approval consistent with applicable FCC requirements in order to obtain authorization to use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. The Company, subject to opt-out approval or opt-in approval, might have disclosed its customer's individually identifiable CPNI, for marketing communications-related services to: that customer; its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. The Company also permitted such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors was undertaken in compliance with Joint Venture/Contractor safeguards set forth in Commission rules.

Except for use and disclosure of CPNI that was permitted without customer approval under 47 C.F.R. § 64.2005, or was otherwise permitted under section 222 of the Communications Act of 1934, as amended, the Company used, disclosed, or permitted

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[2] Definitions contained in the Annual 47 C.F.R. § 64.2009(e) CPNI Certificate to which this Accompanying Statement is attached apply here. All statements refer to the Period.

access to its customers' individually identifiable CPNI subject to opt-out approval in circumstances approved by the FCC.

**Company Policies Regarding Safeguards for Use of Customer Proprietary Network Information.**

**Marketing** - The Company maintained a record, electronically or in some other manner, of its own and, as may exist, its affiliates' sales and marketing campaigns that used its customers' CPNI. The Company maintained a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record included 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. The Company will retain the record for a minimum of one year.

**Customer Service** - The Company had a training program for personnel of when they were and were not authorized to use CPNI. All Company employees were required to follow Company guidelines regarding the confidentiality of CPNI, and the Company disciplined employees for a violation of this policy.

**Carrier Access Billing System**

CPNI records are maintained in an electronic format in the Carrier Access Billing System with restricted access.

The Company established a supervisory review process regarding its compliance with applicable FCC rules for outbound marketing situations and will maintain records of its compliance with that process for a minimum period of one year. The Company provided written notice within five business days to the FCC of any instance where the opt-out mechanisms it employed in this process do not work to such a degree that consumers' inability to opt-out is more than an anomaly.

**Customer Initiated Telephone Contact**

The Company did not release **CPNI call detail information** (such as the date, the called number, the length of the call etc.) based on a customer-initiated telephone contact unless one of the following criteria applied: (1) the customer provided a pre-established password to the Company's customer service representative; (2) the Company's customer service representative called the customer back at the telephone number of record in order to disclose any requested specific call detail record information; or (3) the Company's customer service representative mailed the requested call detail information to the customer's address of record. However if we chose to use passwords, **the passwords were not publicly available nor did they contain personal history information** (such as a social security number or a mother's maiden name)

**On-Line Account Access**

On-line account access to CPNI call detail records was not available.

**Office Location Account Access**

Customers requesting CPNI at a location where they walked into a business office were required to produce a valid photo identification matching the customer of record name on the customer account.

**Notice Requirements - Account Changes**

The Company had procedures in place to immediately notify a customer of changes to the customer's account, including whenever a password, customer response to a carrier designated back-up means of authentication (*i.e.*, shared secret), online account or address of record was created or changed.

**Notice Requirements- Breach of CPNI**

If an employee became aware of any suspected breach of CPNI protections, he or she was instructed to immediately notify the Compliance Officer for the Company who then became responsible, in consultation with legal counsel, for determining if the Company had experienced a breach and then notifying law enforcement which included the Secret Service and the Federal Bureau of Investigation.

**Record of Breaches and Notification**

The Company also kept a record of all discovered breaches and notifications of law enforcement. The Company also had procedures in place to notify law enforcement pursuant to FCC rules and procedures.