



The *Comm*Law Group

HELEIN & MARASHLIAN, LLC
1483 Chain Bridge Road
Suite 301
McLean, Virginia 22101

Telephone: (703) 714-1300
Facsimile: (703) 714-1330
E-mail: mail@CommLawGroup.com
Website: www.CommLawGroup.com

Writer's Direct Dial Number
703-714-1313

Writer's E-mail Address
jsm@commlawgroup.com

February 20, 2009

VIA ECFS TRANSMISSION

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

*Re: Azultel, Inc.
Annual 47 C.F.R. §64.2009(e) Certification
EB Docket No. 06-36*

Dear Ms. Dortch:

Pursuant to *Public Notice DA 09-9* (January 7, 2009), enclosed herewith for filing with the Federal Communications Commission in the above-referenced docket is the Annual §64.2009(e) CPNI Certification and supporting statement of Azultel, Inc.

To the extent you have any questions concerning this filing, please contact the undersigned.

Respectfully submitted,

/s/

Jonathan S. Marashlian
Attorney for Azultel, Inc.

Annual CPNI Certification
47 C.F.R. §64.2009(e)
EB Docket No. 06-36

Name of Company: Azutел, Inc.
Form 499 Filer ID: 824368
Name of Signatory: Gaston Sastre
Title of Signatory: President

I, Gaston Sastre, hereby certify that I am an officer of Azutел, Inc. ("Azutел") and that I am authorized to make this certification on behalf of Azutел. I have personal knowledge that Azutел has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules, to the extent that such rules apply to Azutел or to any of the information obtained by Azutел. See 47 C.F.R. §64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining Azutел's procedures to ensure that it complies with the requirements set forth in §64.2001 *et seq.* of the Commission's rules to the extent that such requirements apply to Azutел or to the information obtained by Azutел.

Azutел has not taken any actions against data brokers before state commissions, state or federal courts, or the FCC in the past year. Azutел has not received any customer complaints in the past year concerning the unauthorized release of CPNI. Azutел has no information, other than information that has been publicly reported, regarding the processes that pretexters are using to attempt to access CPNI.

Signed: 

Date: 02/27/2009

Azultel, Inc.

STATEMENT OF POLICY REGARDING CUSTOMER PROPRIETARY NETWORK INFORMATION

In accordance with Section 222 of the Communications Act and the Federal Communications Commission's ("FCC") CPNI Rules (47 C.F.R. Section 64.2001, *et seq.*), Azultel, Inc. ("Azultel") files this Statement of Policy outlining the Company's procedures for accessing, using and storing Customer Proprietary Network Information ("CPNI").

Definition of CPNI

Under federal law, CPNI is certain customer information obtained by a telecommunications provider during the course of providing telecommunications services (including interconnected VoIP) to a customer. This includes information relating 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.

Examples of CPNI include information typically available from telephone-related details on a monthly bill such as the types of services purchased by a customer, numbers called, duration of calls, directory assistance charges, and calling patterns. CPNI does not include names, addresses, and telephone numbers, because that information is considered subscriber list information under applicable law.

Use of CPNI

Azultel is provider of prepaid international long distance calling card services.

As a provider of prepaid calling services which are offered to a transient public, Azultel is not privy to customer information such as name, address and other personal information because such information is not gathered at the point-of-sale. Azultel's access to Customer Usage Data is generally limited to Call Detail Records (CDRs) and other data collected by its switches

CDR data is not associated with individual customer account information, but rather with unique PINS (personal identification numbers) that are not linked to any particular customer name, address or other personal information. In other words, due to the nature of the services provided by Azultel, the company does not have access to CPNI.

Nevertheless, Azultel ensures that its business methods and operating procedures are in compliance with all applicable FCC Rules.

Furthermore, it is the policy of Azultel not to use CPNI for any activity other than as permitted by applicable law. Any disclosure of CPNI to other parties (such as affiliates, vendors and agents) occurs only if it is necessary to conduct a legitimate business activity related to the

services already provided by Azultel to the customer. If Azultel is not required by law to disclose CPNI or if the intended use is not otherwise permitted under FCC Rules, the Company will first obtain the customer's consent prior to using or sharing CPNI.

Azultel follows industry-standard practices to prevent unauthorized access to CPNI by a person other than the subscriber or Company. However, Azultel cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information.

CPNI Notification

Azultel notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.

Employee Training Policies

All employees of Azultel with access to CPNI will be trained as to when they are, and are not, authorized to use CPNI.

Specifically, Azultel prohibits its personnel from releasing CPNI based upon a customer-initiated telephone call except under the following three (3) circumstances.

- 1) When the customer has pre-established a password;
- 2) When the information requested by the customer is to be sent to the customer's address of record; or
- 3) When Azultel calls the customer's telephone number of record and discusses the information with the party initially identified by customer when service was initiated.

Disclosure to Business Customers

Azultel may negotiate alternative authentication procedures for services that the Company provides to business customers that have a dedicated account representative and a contract that specifically addresses the protection of CPNI.

Disciplinary Procedures

Azultel 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 a supervisor, and the extent to which the violation was or was not deliberate or malicious).

Use of CPNI in Sales and Marketing Campaigns

Azutel does not use CPNI in any marketing campaigns.

However, if Azutel does use CPNI in marketing campaigns, the Company will maintain a record of all sales and marketing campaigns that use the CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.

Azutel will also implement a system to obtain prior approval and informed consent from its customers in accordance with the CPNI Rules. This system will allow for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.

Prior to commencement of a sales or marketing campaign that utilizes CPNI, Azutel will establish the status of a customer's CPNI approval. The following sets forth the procedure that will be followed by the Company:

- Prior to any solicitation for customer approval, Azutel will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
- Azutel will use opt-in approval for any instance in which the Company must obtain customer approval prior to using, disclosing or permitting access to CPNI.
- A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
- Records of approvals are maintained for at least one year.
- Azutel provides individual notice to customers when soliciting approval to use, disclose or permit access to CPNI.
- The CPNI notices sent by Azutel comply with FCC Rule 64.2008(c).

Azutel will also establish a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and will maintain compliance records for at least one (1) year.

FCC Notification

The Company is prepared to provide written notice within five (5) business days to the FCC of any instance where the opt-in mechanisms do not work properly or to such a degree that consumers' inability to opt-in is more than an anomaly.

Third Party Use of CPNI

Prior to allowing access to customers' individually identifiable CPNI to joint venturers or independent contractors, to safeguard CPNI Azutel requires all such third parties to enter into a confidentiality agreement that ensure compliance with this Policy Statement and Azutel shall also obtain opt-in consent for a customer prior to disclosing the information to such third parties.

In addition, Azutel requires all outside agents to acknowledge and certify that they may only use CPNI for the purpose for which that information has been provided.

Azutel requires express written authorization from the customer prior to dispensing CPNI to new carriers, except as otherwise required by law.

Azutel does not market or sell CPNI information to any third party.

Law Enforcement Notification of Unauthorized Disclosure

If an unauthorized disclosure of CPNI occurs, Azutel shall provide notification of the breach within seven (7) days to the United States Secret Service (“USSS”) and the Federal Bureau of Investigation (“FBI”).

Azutel shall wait an additional seven (7) days from its government notice prior to notifying the affected customers of the breach.

Notwithstanding the above, Azutel shall not wait the additional seven (7) days to notify its customers if the Company determines there is an immediate risk of irreparable harm to the customers. Azutel shall cooperate with the relevant law enforcement agency to minimize any adverse effects of such customer notification.

Azutel shall maintain records of discovered breaches for a period of at least two (2) years.

Annual CPNI Certification

Pursuant to FCC regulations, 47 C.F.R. § 64.20089(e), Azutel will annually submit to the FCC, prior to March 1st, a CPNI Certification of Compliance and accompanying Statement regarding Azutel’s CPNI policies and operating procedures. These documents certify that Azutel complied with federal laws and FCC regulations regarding the protection of CPNI throughout the prior calendar year.