

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2011

Date filed: January 18, 2012

Name of company(s) covered by this certification: Emery Telephone and affiliates (Carbon/Emery Telcom; Hanksville Telcom; Emery Telcom Long Distance; and Emery Telecommunications & Video)

Form 499 Filer ID's: 804075, 821124, 821810, 819928, 812278.

Name of signatory: Darren L. Woolsey

Title of signatory: Chief Financial Officer

I, Darren L. Woolsey, certify that I am an officer of the companies named above, and acting as an agent of the companies, I have personal knowledge the companies have established operating procedures 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 compliance with the use and protection requirements for CPNI as set forth in section 64.2001 et seq. of the Commission's rules. See attached STATEMENT EXPLAINING HOW THE COMPANY'S OPERATING PROCEDURES ENSURE COMPLIANCE WITH THE FCC'S CPNI RULES.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. In the current year the company has no information to report with respect to the processes pretexters are using to attempt to access CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI; nor did it discover or discipline any employees for improper use of CPNI. If incidents had been noted the following information would be included herein: (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed: \_\_\_\_\_



Darren L. Woolsey

Chief Financial Officer – Designated CPNI Compliance Officer

**Emery Telephone and affiliates – Carbon/Emery Telcom; Hanksville Telcom; Emery Telecommunications & Video; Emery Telcom Long Distance**

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

**Prefatory Statement:**

During 2011, Emery Telephone and affiliates – Carbon/Emery Telcom; Hanksville Telcom; Emery Telecommunications & Video; and Emery Telcom Long Distance (herein referred to as “The Company”) did not utilize or provide CPNI for any purpose other than those purposes that are permissible without customer approval in accordance with 47 CFR §64.2005 of the FCC’s Rules and Regulations. The Company does send annual opt-out notices meeting the requirements of 47 CFR § 64.2007 (see attached Exhibit A). The status of individual customer CPNI approval is evidenced in The Company’s customer account and billing database which flags the account and individual lines (where applicable) with CPNI approval status. The Company has elected not to utilize or provide CPNI for any purposes requiring express or opt-in approval.

**1. Customer Proprietary Network Information (“CPNI”)**

As defined by 47 USC 222(h)(1), the law affords privacy protections for two kinds of information related to The Company as a telecommunications carrier: (1) information about the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer, and (2) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer.

This information, when matched to a name, address, and telephone number is known as “Customer Proprietary Network Information or “CPNI” for short. 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, as this information is considered subscriber list information under as defined by 47 USC 222(h)(3).

**2. Use of CPNI Is Restricted**

The Company recognizes that CPNI 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 our company.

The Company has designated its Chief Financial Officer as the CPNI Compliance Officer responsible for: (1) communicating with our company 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 our company regarding use, disclosure, or provision of access to CPNI; including but not limited to specific marketing by The Company and its affiliates.

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).

### 3. Permissible Uses of CPNI

The 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 still provide the customer's phone records or other CPNI to a law enforcement agency in response to a 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. For example, we may use the CPNI from our provision of local exchange service to a customer to provide or market new, additional or modified local exchange service offerings to the customer. Likewise, we may use the CPNI from our provisioning of long distance toll service to a customer to provide or market new, additional or modified long distance toll service offerings to the customer.
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 inside wiring installation, maintenance, and repair services. In these instances, CSR, Network engineer, technician, and dispatcher employee involvement with CPNI is utilized within the FCC guidelines.
  - c. The FCC has stated that local exchange carriers and commercial mobile radio service providers may use CPNI, without customer approval, to market "adjunct-to-basic" services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller ID, call forwarding, and certain Centrex features.
  - 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. Such use may include periodic review of customer statements for accuracy and completeness.

6. The Company may use CPNI to protect company 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 local exchange service or interexchange service, without the customer's approval, to provide customer premises equipment ("CPE"), call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

8. If a customer subscribes to more than one category of service offered by The Company, we are 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, 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 47 CFR § 64.2007, 47 CFR § 64.2008 and 47 CFR § 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), we may use the customer's CPNI to assist the customer for the duration of the customer's call based upon opt-out approval. In the absence of opt-out approval, The Company will proceed with the use of customer CPNI only after the customer is provided with oral notice required by 47 CFR § 64.2008(c) and 47 CFR § 64.2008(f) of the FCC's Rules, and only if provided with positive ID or account password. This one-time oral approval is documented on the customer account and does not replace the existing CPNI account status unless the customer requests such change.

10. The Company has adopted a policy that it will limit the use, disclosure, or access to CPNI in connection with company (and affiliate) initiated marketing to those expressly allowed by 47 CFR § 64.2007 by opt-out authority only. The Company will not utilize CPNI for purpose requiring express or opt-in approval.

The Company maintains a record of all sales and marketing campaigns. The records include a general description of the campaign, the CPNI used (if applicable), and the products and services offered. Sales and marketing campaigns must be approved by management and include proper review for compliance with CPNI rules. The record is maintained for a least one year.

#### **4. CPNI Compliance Officer**

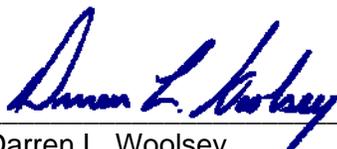
In addition to the specific matters required to be reviewed and approved by The Company's CPNI Compliance Officer, employees and agents are strongly encouraged to bring any and all other questions, issues or uncertainties regarding the use, disclosure, or access to CPNI to the attention of the our Compliance 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.

#### **5. 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).



---

Darren L. Woolsey  
Chief Financial Officer – Designated CPNI Compliance Officer  
Emery Telephone and affiliates

## EXHIBIT A - Opt-Out Notice

### ANNUAL CUSTOMER DO-NOT-CALL NOTIFICATION



To address consumer concerns about unwelcome telemarketing calls, the Federal Communications Commission (FCC) and Federal Trade Commission (FTC) have established a national Do-Not-Call Registry. The registry applies to all telemarketers (with the exception of certain non-profit and political organizations) and covers both interstate and intrastate telemarketing calls. Commercial telemarketers are not allowed to call you if your number is listed on the registry. You can register your phone number for free, and it will remain on the national Do-Not-Call Registry until you direct otherwise or are no longer using the number (previously a number had to be re-registered every five years). You may remove your number from the list at any time.

**The Do-Not-Call Registry will not prevent all unwanted calls. It does not cover the following:**

- calls from organizations with which you have established a business relationship;
- calls for which you have given prior written consent;
- calls which are not commercial or do not include unsolicited advertisements;
- calls by or on behalf of tax-exempt non-profit organizations.

Consumers may register their residential telephone number, *including wireless numbers*, on the national Do-Not-Call Registry at no cost by telephone or on the Internet. To register by telephone, consumers may call 1-888-382-1222. For TTY call 1-866-290-4236. You must call from the phone number you wish to register. You may also register by Internet at [www.donotcall.gov](http://www.donotcall.gov). Inclusion of your telephone number on the national Do-Not-Call Registry will be effective three months following your registration.

### IMPORTANT NOTICE ABOUT EMERY TELCOM'S USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)

Emery Telcom and its affiliates Carbon/Emery Telcom, Hanksville Telcom, Emery Telecommunication and Video, Emery Telcom Video, and Emery Telcom Long Distance (Emery Telcom) are committed to protecting your privacy, and we wanted to take this opportunity to review your rights with respect to certain information you make available to Emery Telcom by virtue of subscribing to our services.

In providing service to you, Emery Telcom maintains calling information and data related to particular services you receive from Emery Telcom. This information may include the quantity, technical configuration, type, destination, location, and amount of use of the telecommunications services that you purchase. Information of this sort is known as Customer Proprietary Network Information, or CPNI. Under federal and state law, Emery Telcom is obligated to preserve the confidentiality of this information, and Emery Telcom is committed to doing so.

In order to better serve your specific communications needs and offer innovative products and services to you, Emery Telcom's corporate family uses CPNI information unless you direct otherwise. As an example, we may want to offer our customers a special long-distance rate or internet package based upon their current usage or services. If you do not wish to permit us to utilize your CPNI in this manner, you have the right to prevent such use of CPNI by informing us of your intent to "opt out." You may opt out by calling us at 435-748-2223 or 435-613-9605, by mail at P.O. Box 629, Orangeville, UT, 84537. If you do not provide us with notice that you wish to opt out within 30 days of this notice, we will assume that you give Emery Telcom the right to share your CPNI with its affiliates for the purposes described above. **Whether you notify us or not, Emery will not share your CPNI with any outside party** unless required by law as described below.

If you elect to "opt out," you may not be able to learn about innovative service proposals, new technology or service offerings, or "package" discounts that may better meet your communications needs. However, "opting out" will not affect the provisioning of any services you are currently receiving. Regardless of whether you consent or not, your CPNI will continue to be treated as confidential.

Please note that if you do not "opt out," your consent will remain valid unless and until we receive a notice expressing your intent to "opt out." You retain the right to "opt out" at any time by calling the number listed above. Please also be advised that, regardless of your decision to "opt out," your CPNI may be disclosed in certain situations. Emery Telcom may be required to disclose your CPNI to law enforcement officials pursuant to court orders, subpoenas, or other lawful processes. Disclosures of CPNI may also be mandated pursuant to requirements of the Federal Communications Commission or the Utah Public Services Commission. Finally, federal and state rules permit certain disclosures of CPNI to prevent fraud or abuse, for billing and collection, for provisioning service, and in other limited circumstances.

We look forward to being able to serve you more effectively with new communications products and solutions that will best meet your specific needs.