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**DukeNet Communications**

**DukeNet Communications, LLC**
400 South Tryon Street
Suite 2900
Charlotte, NC 28202-2043

704-382-1025

February 23, 2012

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, DC 20554

Dear Ms. Dortch:

Enclosed please find the Annual 47 C.F.R. § CPNI Certification, EB Docket 06-36 original filing and the four (4) copies for DukeNet Communications, LLC. As indicated on the instructions, I have addressed this correspondence to your attention, but because I am sending by commercial overnight mail, it is being sent to 9300 East Hampton Dr. Capitol Heights, MD 20743 per the published instructions. I am also e-mailing to FCC@BCPIWEB.COM per the public notice dated January 29, 2011.

Sincerely,

Sandra D. Williard
Contract Administration

No. of Copies rec'd 0+4
List ABCDE

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for **2012** covering prior calendar year **2011**

1. Date filed: **February 24, 2012**
2. Name of company covered by this certification: **DukeNet Communications, LLC**
3. Form 499 Filer ID: **820201**
4. Name of signatory: Anthony R. Cockerham
5. Title of signatory: Chief Operating Officer, DukeNet Communications, LLC
6. Certification:

I, Anthony R. Cockerham, 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.

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

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. code and may be subject to enforcement action.

Signed Anthony R. Cockerham

**Attachment:** Accompanying Statement explaining CPNI procedures

**Statement Regarding Operating Procedures:**

DukeNet Communications, LLC ("DukeNet") provides transport services and does not provide any dial tone or Internet services or applications to individuals or businesses. DukeNet provides such services solely to corporate and governmental customers pursuant to individually-negotiated contracts and, hence, DukeNet operates on a non-common carrier basis. DukeNet has no access to call detail information of any customer. Nonetheless, DukeNet has established operating procedures ensuring that it is in compliance with 47 C.F.R. §64.2001 *et seq.,* and DukeNet protects its transport customers' information by prohibiting the use of such information for any purpose not expressly authorized by 47 C.F.R. §64.2005 (a) and (d). DukeNet's customer confidentiality protections are of sufficient breadth to extend to and include information that relates to the quantity, technical configuration, type, destination, location, and amount of use of its services by its customers that is made available to DukeNet by the customer solely by virtue of DukeNet's relationship with the customer. Due to DukeNet's strict adherence to use of transport customers' information solely for purposes that do not require customer approval, DukeNet has not developed a system by which the status of a customer's CPNI approval is established prior to the use of CPNI. Should DukeNet ever consider using customer information in a manner requiring customer approval, DukeNet will implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI in accordance with 47 CFR §64.2009(a). DukeNet has trained its personnel as to when they are and are not authorized to use or disclose customer confidential information to the extent required by 47 C.F.R. §64.2009(b), and DukeNet has an express disciplinary process in place for those who violate its customer confidentiality policies to the extent required by 47 C.F.R. §64.2001 *et seq.* DukeNet strictly prohibits the release of transport customers' information to any third party,

and does not provide access to customer information that can be obtained through its website or other electronic means. DukeNet does not solicit business via out-bound marketing situations, or use CPNI in any manner in soliciting customers that would require direct supervision or any customer consent.

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