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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 the prior calendar year 2011

1. Date filed: February 28, 2012
2. Name of company(s) covered by this certification: Digital Express, Inc.
3. Form 499 Filer ID: 829137
4. Name of signatory: Thomas M. Armstrong
5. Title of signatory: President
6. Certification:

I, Thomas M. Armstrong, 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 (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company *has not* taken actions (*i.e.,* proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.
[NOTE: If you reply in the affirmative, provide an explanation of any actions taken against data brokers.]

The company *has not* received customer complaints in the past year concerning the unauthorized release of CPNI.
[NOTE: If you reply in the affirmative, provide a summary of such complaints. This summary must include the number of complaints, 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.]

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 subject it to enforcement action.

Signed Thomas Armstrong President
[*Signature of an officer, as agent of the carrier*]

Attachments: Accompanying Statement explaining CPNI procedures
Explanation of actions taken against data brokers (if applicable)
Summary of customer complaints (if applicable)

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Statement Concerning the Protection of Customer Proprietary Network Information for the Annual Period ending December 31, 2010

1. Digital Express, Inc. ("Digtial") is a telecommunications carrier subject to the requirements set forth under **47 C.F.R § 64.2009** of the Commission's rules. DIGITAL complies with all regulations pertaining to customer proprietary network information (CPNI) found at **47 C.F.R § 64.2009,** *et seq*. The operating procedures of DIGITAL ensure that the company is in compliance with these regulations.

2. Without customer approval, DIGITAL does not use, disclose, or permit access to CPNI to provide or market service offerings within a category of service to which the customer does not already subscribe. However, DIGITAL may use, disclose, or permit access to CPNI without customer approval in the following instances:
   1) the provision of inside wiring installation, maintenance, and repair services;
   2) to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features; and
   3) to protect the rights or property of DIGITAL, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

3. Information protected by DIGITAL includes all information defined as CPNI at Section 222(h)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 222(h)(1) including information that relates to the **quantity**, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by a customer and made available to DIGITAL by the customer solely by virtue of the carrier-customer relationship. Also protected is information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer.

4. DIGITAL does not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers.

5. DIGITAL has established a system by which it can determine whether a customer has approved or disapproved of DIGITAL's release or use of CPNI prior to that information being used or released.

6. DIGITAL personnel are trained as to when they are and are not authorized to release or use CPNI, and violation of these rules will subject personnel to express disciplinary action which can include dismissal.

7. If and when customer approval to use, disclose, or permit access to customer CPNI is desired, DIGITAL obtains such individual customer approval through written or oral methods in accordance with 47 C.F.R 64.2007. However, the company only utilizes the oral authorization to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts, and such CPNI authority, if granted, lasts only for the duration of that specific call. DIGITAL honors a customer's approval or disapproval until the customer

revokes or limits such approval or disapproval. All records of approval or disapproval are maintained for at least one year.

8. DIGITAL has established a procedure whereby all sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval of the use of CPNI and records reflecting carrier compliance with the Commission Rules are maintained for a minimum of one year.

9. Prior to any solicitation for customer approval, DIGITAL provides individual notification to customers of their right to restrict use of, or disclosure of, and access to the customer's CPNI. Records of these notifications are maintained for a period of at least one year.

10. DIGITAL's notifications provide information sufficient to enable our customers to make informed decisions as to whether to permit the use or disclosure of, or access to, their CPNI. DIGITAL's notifications do: (1) contain a statement that the customer has the right, under Federal law, to protect the confidentiality of CPNI; (2) specify the types of information that constitutes CPNI and the specific entities that will receive the CPNI; (3) describe the purposes for which the CPNI may be used; and (4) inform the customer of the right to disapprove those uses and deny or withdraw access to or use of CPNI at any time.

11. DIGITAL's notifications inform the customer that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes is valid until the customer affirmatively revokes or limits such approval or denial.

12. DIGITAL advises its customers of the precise steps the customer must take in order to grant or deny access to CPNI, and that denial of approval will not affect the provision of any services to which the customer subscribes.

13. DIGITAL maintains a record of its sales and marketing campaigns that use customers' CPNI. Further, a record of all instances where CPNI was disclosed or provided to third parties or where third parties were allowed access to CPNI is maintained by DIGITAL. These records reflect a description of the campaigns, the specific CPNI used in the campaign, and what products or services were offered as part of the campaign. These records are retained for a minimum of one year.

14. For "opt-out" approvals, DIGITAL waits at least 30 days after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Customers are notified of the applicable waiting period in the "opt-out" notice that is sent. For electronic notifications, DIGITAL recognizes that the waiting period begins to run on the date the notification is sent and, for mail notifications, the 30 days begins to run on the third day following the date the notification was mailed. DIGITAL does not solicit CPNI authority via e-mail. "Opt-out" notices are provided to customers every two years.

15. DIGITAL follows the procedures set forth in 47 C.F.R 64.2010 to discover and protect against attempts to gain unauthorized access to CPNI. Customers are properly authenticated prior to disclosing CPNI based on customer-initiated telephone contact. DIGITAL does not have any retail locations; however, DIGITAL does offer online access for customers' accounts.

Customers are authenticated online without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI through a password as described in 47 C.F.R 64.2010(e), that is not prompted by the company asking for readily available biographical or account information.

16. Call detail information is only disclosed over the telephone, based on customer-initiated telephone contact, if the customer first provides the carrier with a password, as described at 47 C.F.R 64.2010(e). If the customer does not provide a password, then call detail information is only disclosed by sending it to the customer's address of record, or by calling the customer at the telephone number of record. If the customer is able to provide call detail information during a customer-initiated call without the company's assistance, then the company is permitted to discuss the call detail information provided by the customer.

17. Customers are immediately notified whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. Such notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a carrier-initiated voice mail or text message to the telephone number of record, or by mail to the address of record, and does not reveal the changed information or otherwise send the new account information.

18. DIGITAL notifies law enforcement of any breach of its customers' CPNI in accordance with 47 C.F.R. 64.2011. Customers are notified only upon completion of law enforcement notification procedures.

19. Records of any breaches discovered, or notifications to law enforcement and customers are maintained for a minimum of two years. Records include, if applicable, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstance of the breach.