

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

**EB Docket 06-36**

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

Date filed: February 28, 2013

Name of licensees/company(s) covered by this certification: Coupe Communications, Inc., Coupe Communications, LLC, John Parke Coupe, Jr.

Form 499 Filer ID: N/A

Name of signatory: John Parke Coupe, Jr.

Title of signatory: President/Owner

I, John Parke Coupe, Jr., certify that I am an officer of the company(s) named above (collectively hereafter referred to as "Coupe"), and acting as an agent of the company(s), that I have personal knowledge that the company(s) have 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. However, it should be noted that Coupe Communications DOES NOT provide any interconnected services to the public or classes of users to be effectively available to the public. In reference to a letter from Commission General Counsel Austin C. Schlick to Mark E. Crosby from EWA dated February 28, 2011, we are unable to interpret whether or not we are subject to this filing. Therefore, so as to err on the side of safety we are filing. However, I believe that our services do not fall into the category of services the Commission intended for this filing. In our filing last year, we plead for the Commission to provide an interpretation for us and similar operators to determine if our operations require us to file. We continue to await the Commission's response. Therefore, we again plead that for future filings, the Commission specifically interpret whether or not push-to-talk, non-interconnected, non-covered SMR services provided by SMR licensees only to business, enterprise and/or public safety entities must file an annual CPNI certification, in the absence of any other qualifying criteria.

The company(s) represented in this statement have 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) against data brokers in the past year, have not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company(s) further represent and warrant that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company 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

A handwritten signature in black ink, appearing to read "John Parke Coupe, Jr.", written in a cursive style.

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**Supporting Statement**

- (a) “Coupe” has implemented a system whereby it does not use CPNI information for purposes other than invoicing of services. “Coupe” shall clearly establish customer approval prior to any other proposed use of CPNI in conformance with CFR 47 Part 64.
- (b) “Coupe” has trained all personnel that they are not authorized to use CPNI for any purpose other than routine invoicing without the specific approval of the owner/President, and has adopted an expressed disciplinary process for violations of this policy.
- (c) It is “Coupe’s” policy that CPNI shall not be used in any internal or external marketing campaign. Furthermore CPNI will not be disclosed or provided to third parties.
- (d) Coupe has instituted a supervisory review process regarding compliance with the rules of this subpart. Should “Coupe” enact any outbound marketing, supervisory approval of proposed outbound marketing must be obtained from the owner/President and records shall be kept for a minimum of one year.
- (e) Coupe acknowledges it must have an officer, as an agent, sign and file with the Commission a compliance certificate on an annual basis. The officer must state in the certification that he or she has personal knowledge that the company(s) has/have established operating procedures that are accompanying the certificate explaining how its operating procedures ensure that they are or are not in compliance with rules in this subpart. In addition, the carrier must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually, with the Enforcement Bureau on or before March 1 in EB Docket No. 03-36, for data pertaining to the previous calendar year.
- (f) “Coupe” acknowledges it must provide opt-out mechanisms for its clients and written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly. Such notice shall conform to requirements of CFR 47 Part 64.2009.
  - (1) Such notice shall be in the form of a letter, and shall include the carrier’s name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has/have been notified and whether it/they have taken any action, a copy of the notice provided to the customers, and contact information.
  - (2) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.