

February 13, 2019

BY ELECTRONIC FILING

Marlene H. Dortch Office of the Secretary

Federal Communications Commission

445 12th Street, SW Suite TW-A325

Washington, DC 20554

Re: ComNet (USA) LLC Annual Customer Proprietary Network Information Certification for 2018;

EB Docket No. 06-36

Dear Ms. Dortch:

Enclosed for filing in the above-referenced docket, please find the 2018 Annual 47 C.F.R.

§64.2009(e) Customer Proprietary Network Information Certification for ComNet (USA) LLC ("ComNet"), and an accompanying statement regarding ComNet's operating procedures.

Please do not hesitate to contact me should you have any questions.

Sincerely,

ComNet (USA) LLC



Linda Peng

Enclosures

cc: FCC Enforcement Bureau, Telecommunications Consumers Division

445 12th Street, SW, Washington, DC 20554

Best Copy and Printing, Inc. (via email [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com))

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

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2019 covering the prior calendar year 2018

1. Date filed: February 13, 2019
2. Name of company covered by this certification: ComNet (USA) LLC
3. Form 499 Filer ID: 823684
4. Name of signatory: Linda Peng
5. Title of signatory: General Manager
6. Certification:

I, Linda Peng, certify that I am the General Manager, HRA& Admin 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.

The company has not received 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 subject it to enforcement action.

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

Name: Linda Peng

Title: General Manager , HRA & Admin

## **CPNI STATEMENT**

The following provisions set forth the ComNet (USA) LLC (“ComNet”) operating procedures that ensure it is in compliance with the Commission’s customer proprietary network information (“CPNI”) rules.

### **Compliance with Federal CPNI Requirements**

#### **1. Definition**

Customer proprietary network information refers to information regarding the quantity, technical configuration, type, destination, and amount of use of service subscribed to by any customer of ComNet, and that is made available to ComNet by the customer solely by virtue of the customer’s relationship to ComNet. It also includes information contained in customer bills, if applicable. CPNI does not include subscriber list information.

#### **2. Marketing**

- a) ComNet may use, disclose, or permit access to a customer’s CPNI, without customer approval, for the purpose of providing or marketing services to the customer that the customer already utilizes from ComNet.
  - For customers that subscribe to more than one category of service offered by ComNet, ComNet may share CPNI among its affiliated entities that provide a service offering to the customer.
  - For customers that do not subscribe to more than one category of service offered by ComNet, ComNet may not share CPNI with its affiliates, except as provided in subsection c).
- b) ComNet shall not use, disclose, or permit access to a customer’s CPNI, without customer approval, for the purpose of marketing services to the customer that the customer does not already utilize from ComNet.
  - ComNet shall not use, disclose, or permit access to CPNI to identify or track customers that call competing service providers.
- c) ComNet may use, disclose, or permit access to CPNI, without customer approval in the following situations:
  - In ComNet’s provision of inside wiring installation, maintenance, and repair services, if any.
  - For the purpose of conducting research on the health effects of commercial mobile radio services, if any.

- For the purpose of marketing services such as 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.
- d) ComNet may use, disclose, or permit access to CPNI for the purpose of protecting ComNet's rights or property.
- e) ComNet may use, disclose, or permit access to CPNI for the purpose of protecting users of its services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

### **3. Approval Requirements**

- a) Customer approval may be granted orally, electronically, or in writing.
- b) A customer's approval or disapproval shall remain in effect until the customer revokes or limits such approval or disapproval.
- c) In cases where customer approval is required, ComNet shall request approval through either an opt-in or opt-out method.
- d) Opt-in approval requires ComNet to obtain affirmative, express consent from the customer, allowing the requested CPNI usage, disclosure, or access. ComNet shall provide appropriate notification of its request, as explained in section 5 below, to the customer prior to seeking such consent.
- e) Under the opt-out approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object within 30 days of receiving appropriate notification from ComNet of its request, as explained in section 6 below.

### **4. Notice Requirements**

- a) Before requesting customer approval of CPNI usage, ComNet shall provide individual notification to the customer of the customer's right to restrict use of, disclosure of, and access to the customer's CPNI.
- b) The notification shall provide sufficient information to enable the customer to make an informed decision as to whether to permit use, disclosure, or access to the customer's CPNI.
  - The notification shall state that the customer has a right, and ComNet has a duty, under federal law, to protect the confidentiality of CPNI.
  - The notification shall specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will

be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

- The notification shall advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and shall clearly state that a denial of approval will not affect the provision of any such services that the customer purchases. ComNet, however, may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.
- The notification shall be comprehensible and shall not be misleading.
- If written notification is provided, the notice shall be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to the customer.
- If any portion of a notification is translated into another language, then all portions of the notification shall be translated into that language.
- ComNet may state in the notification that the customer's approval to use CPNI may enhance ComNet's ability to offer products and services tailored to the customer's needs. ComNet also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.
- ComNet shall not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.
- The notification shall state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from ComNet is valid until the customer affirmatively revokes or limits such approval or denial.

c) ComNet shall maintain all records of notification for at least one year.

## **5. Opt-in Notice Requirements**

- a) ComNet shall provide notification to obtain opt-in approval through oral, written, or electronic methods.
- b) The contents of an opt-in notice shall comply with the requirements of section 4, subsection b), above.

## **6. Opt-out Notice Requirements**

- a) ComNet shall provide notification to obtain opt-out approval only through written or electronic methods.
- b) The contents of an opt-out notice shall comply with the requirements of section 4, subsection b), above.

- c) ComNet shall wait at least 30 days after providing notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI.
- d) ComNet shall notify customers as to the applicable waiting period for a response before approval is assumed.
  - o In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent.
  - o In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.
- e) For those customers for which ComNet uses an opt-out method, ComNet shall provide notices every two years.
- f) For electronic notifications, ComNet shall comply with the following requirements:
  - o ComNet shall obtain express, verifiable, prior approval from consumers to send notices via email regarding services in general or CPNI in particular;
  - o ComNet shall allow customers to reply directly to emails containing CPNI notice in order to opt-out;
  - o Opt-out email notices that are returned to ComNet as undeliverable shall be sent to the customer in another form before ComNet may consider the customer to have received notice;
  - o ComNet shall ensure that the subject line of the message clearly and accurately identifies the subject matter of the email; and
  - o ComNet shall make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week.

## **7. Notice Requirements Specific to One-Time Use of CPNI**

- a) ComNet may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether it uses opt-out or opt-in approval, based on the nature of the contract.
- b) The contents of an opt-out notice shall comply with the requirements of section 4, subsection b), above, except that ComNet may omit any of the following notice provisions if not relevant to the limited use for which it seeks CPNI:
  - o ComNet need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

- ComNet need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;
- ComNet need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as it explains to customers that the scope of the approval it seeks is limited to one-time use; and
- ComNet may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as it clearly communicates that the customer can deny access to his or her CPNI for the call.

## **8. Training**

- a) ComNet shall train its personnel as to when they are and are not authorized to use CPNI.
- b) ComNet shall have an express disciplinary process in place.

## **9. Records**

- a) ComNet shall maintain a record of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI.
- b) ComNet shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall 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.
- c) ComNet shall maintain the record for a minimum of one year.

## **10. Reviews and Reporting**

- a) ComNet shall establish a supervisory review process regarding its compliance with federal CPNI rules for outbound marketing situations.
- b) ComNet shall maintain records of its compliance for a minimum period of one year.
- c) Sales personnel shall obtain supervisory approval of any proposed outbound marketing request for customer approval.
- d) ComNet shall have an officer, as an agent, sign and file with the Federal Communications Commission a compliance certificate on an annual basis. The officer shall state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's rules.

- e) ComNet shall provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the Commission's rules.
- f) ComNet shall also include an explanation of any actions taken against data brokers and a summary in the past year concerning the unauthorized release of CPNI. ComNet shall file this explanation annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year.
- g) ComNet shall provide 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 the consumers' inability to opt-out is more than an anomaly.
  - o The notice shall be in the form of a letter, and shall include ComNet'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 been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

## **11. Safeguarding the Disclosure of CPNI**

- a) ComNet shall take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.
- b) ComNet shall properly authenticate a customer prior to disclosing CPNI based on customer-initiated telephone contact, online account access, or an in-store visit.
- c) ComNet shall not disclose call detail information over the telephone, based on customer-initiated contact, unless the customer first provides ComNet with a password that is not prompted by ComNet asking for readily available biographical information, or account information.
  - o If the customer does not provide a password, ComNet shall only disclose call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record.
  - o If the customer is able to provide call detail information to ComNet during a customer-initiated call without assistance, then ComNet is permitted to discuss the call detail information provided by the customer.
- d) ComNet shall authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI related to a ComNet's account.
  - o Once authenticated, the customer may only obtain online access to CPNI related to a ComNet's service account through a password that is not prompted by ComNet asking for readily available biographical information, or account information.



- e) ComNet may disclose CPNI to a customer who, at a ComNet's retail location, first presents to ComNet or its agent a valid photo ID matching the customer's account information.
- f) ComNet shall authenticate the customer without the use of readily available biographical information, or account information, to establish a password. ComNet may create a back-up customer authentication method in the event of a lost or forgotten password, but such back-up customer authentication method shall not prompt the customer for readily available biographical information, or account information.
  - o If a customer cannot provide the correct password or the correct response for the back-up customer authentication method, the customer must establish a new password as described above.
- g) ComNet shall notify customers immediately 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.
  - o This notification is not required when the customer initiates service, including the selection of a password at service initiation.
  - o This notification may be through a ComNet originated voicemail or text message to the telephone number of record, or by mail to the address of record, and shall not reveal the changed information to be sent to the new account information.
- h) ComNet may bind themselves contractually to authentication regimes other than those described in this section for services they provide to their business customers that have both a dedicated account representative and a contract that specifically addresses ComNet's protection of CPNI.

## **12. Security Breaches**

- a) ComNet shall notify law enforcement of a breach of its customers' CPNI.
- b) ComNet shall notify its customers or disclose the breach publicly, whether voluntarily or under state or local law or federal rules, until it has completed the process of notifying law enforcement.
- c) As soon as practicable, and in no event later than seven business days, after reasonable determination of the breach, ComNet shall electronically notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) through a central reporting facility.
- d) Notwithstanding any state law to the contrary, ComNet shall not notify customers or disclose the breach to the public until seven full business days have passed after notification to the USSS and the FBI except as provided below.

- If ComNet believes that there is an extraordinarily urgent need to notify any class of affected customers sooner than otherwise allowed above, in order to avoid immediate and irreparable harm, it shall so indicate in its notification and may proceed to immediately notify its affected customers only after consultation with the relevant investigating agency. ComNet shall cooperate with the relevant investigating agency's request to minimize any adverse effects of such customer notification.
  - ComNet may be directed not to disclose or notify for an initial period of up to 30 days if the relevant investigating agency determines that public disclosure or notice to customers would impede or compromise an ongoing or potential criminal investigation or national security. Such period may be extended by the agency as reasonably necessary in the judgment of the agency. If such direction is given, the agency shall notify ComNet when it appears that public disclosure or notice to affected customers will no longer impede or compromise a criminal investigation or national security. The agency shall provide in writing its initial direction to ComNet, any subsequent extension, and any notification that notice will no longer impede or compromise a criminal investigation or national security and such writings shall be contemporaneously logged on the same reporting facility that contains records of notifications filed by ComNet.
- e) After ComNet has completed the process of notifying law enforcement, it shall notify its customers of a breach of those customers' CPNI.
- f) ComNet shall maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI and notifications made to customers. The record shall include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. ComNet shall retain the record for a minimum of two years.
- g) As used in this section, a "breach" has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used or disclosed CPNI.