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

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2017 covering the prior calendar year 2016

1 Date Filed: February 23, 2017

2 Name of company covered by this certification: TracFone Wireless, Inc.

3 Form 499 Filer ID: 822144

4 Name of signatory: Richard Salzman

5 Title of signatory: General Counsel

6 Certification:

I, Richard Salzman, as General Counsel, certify that I am an officer of TracFone Wireless, Inc. ("Company"), 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 any actions (proceedings instituted or petitions filed by the Company at either state commissions, the court system or at the Commission) against any 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 section 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:_____, as agent of the Company.

Attachments: Accompanying Statement explaining CPNI procedures

STATEMENT OF CPNI COMPLIANCE PROCEDURES

TracFone Wireless Inc. has established and implemented internal operating procedures which are designed to ensure compliance with the requirements of Section 222 of the Communications Act of 1934, as amended, (Privacy of Customer Information) and with the Federal Communications Commission's rules governing Customer Proprietary Network Information (CPNI) which are codified at 47 C.F.R. Part 64, Subpart U.

Primary responsibility for TracFone's CPNI practices and policies resides with the company's Senior Vice President - Litigation Counsel in consultation with its Executive Vice President and General Counsel. Those corporate officers have reviewed Section 222 and the FCC's CPNI rules and are thoroughly familiar with their requirements.

TracFone does not make available to any affiliated or unaffiliated entity information which meets the definition of CPNI codified at 47 U.S.C. § 222(h)(1), except when required to do so by law (*e.g.,* when subject to a subpoena, search warrant, court order, or order of a state utilities commission). Consistent with the Commission's rules, TracFone's policies permit to use, disclose, or permit access to CPNI without customer approval for the purposes of providing or marketing service offerings among the category of services (e.g. Commercial Mobile Radio Service ("CMRS")) to which the customer already subscribes. In accordance with 47 C.F.R. § 64.2009(c), TracFone maintains records of all sales and marketing campaigns conducted by TracFone or a third party acting on behalf of TracFone that use customers' CPNI data. As required by Section 64.2009(c), TracFone's records include a description of the campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign. TracFone retains these records for more than the minimum required one year. In accordance with Section 64.2009(d), TracFone has an established supervisory review process regarding compliance with the rules for outbound marketing situations and maintains records of TracFone's compliance for more than the minimum required period of one year.

TracFone will disclose to a customer that customer's own CPNI information after properly authenticating the customer as required by the FCC's rules and regulations. It will also disclose CPNI information to a person specifically designated by an authenticated customer such as, for example, an attorney who represents the customer in a matter where the CPNI information is necessary to the attorney's effective representation of the customer, but only upon receiving a direct request in writing from the customer.

Since TracFone does not use CPNI for any purpose that requires customer approval pursuant to the rules of the Federal Communications Commission, including 47 C.F.R. §64.2005, and does not, under any circumstances, provide CPNI to other entities (except when compelled to do so or as requested to do so by customers), it has not implemented either "opt-in" or "opt-out" approval procedures as those terms are defined at 47 C.F.R. § 64.2007 of the Commission's rules.

All TracFone personnel having access to CPNI have been instructed in TracFone's policies governing CPNI.

In the event that TracFone, in the future, intends to utilize CPNI in a manner that would require customer approval or provide CPNI to other entities (other than as described above) it will first provide customer notifications of their CPNI rights as required by the Commission's rules.

These procedures and policies have been specifically approved by TracFone's corporate officers.