

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

1. Date filed: February 28, 2019
2. Name of company covered by this certification: NetFortris Acquisition Co., Inc.
3. Form 499 Filer ID: 830139
4. Name of signatory: Kevin Dickens
5. Title of signatory: CO-CEO and CPNI Compliance Officer
6. Certification:

I, Kevin Dickens, 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 any 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 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 subject it to enforcement action.



Kevin Dickens
CO-CEO

Statement Regarding NetFortris's Customer Proprietary Network Information (CPNI) Procedures

NetFortris Incorporated ("NetFortris") has established practices and procedures adequate to ensure compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.*

Use of CPNI - Section 64.2005

- NetFortris has established a system by which the status of its customers' approval or restriction of the use of CPNI is clearly established prior to the use of CPNI. NetFortris relies on the involvement of its CPNI Compliance Officer in order to ensure any use of CPNI is made in accordance with all applicable laws, safeguards, and regulations.
- NetFortris does not use, disclose, or permit access to CPNI to identify or track customers that call competing service providers.

Approval Required for Use of CPNI - Section 64.2007

- NetFortris obtains customer approval for the use of CPNI through the methods prescribed in section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.* NetFortris maintains records of approval for a minimum of one year.
- NetFortris has implemented policies and practices for seeking opt out approval from its customers pursuant to, and in accordance with, section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.* NetFortris utilizes opt out approval to use CPNI for marketing communications-related services to that customer. NetFortris also utilizes opt out approval to obtain customer consent to NetFortris's disclosure of customer CPNI to its agents and affiliates that provide communications-related services.
- If NetFortris subsequently chooses to take any action for which opt in customer approval is required, NetFortris will implement policies and practices for seeking opt in approval from its customers pursuant to, and in accordance with, section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.*, and obtain approval from its customers pursuant to these policies and practices before taking such action.

Notice Required for Use of CPNI - Section 64.2008

- NetFortris provides a notice to its customers of the customers' rights to restrict use of, disclosure of, and access to the customers' CPNI. The notice is provided through electronic and written means. The notice is provided pursuant to, and in accordance with, the requirements of section 64.2008 of the Commission's rules, 47 C.F.R. § 64.2008. NetFortris retains records of notification for a minimum of one year.
- NetFortris waits a 45-day minimum period of time after giving customers notice and an opportunity to opt out before assuming customer approval to use, disclose, or permit access to CPNI.
- NetFortris provides notices to its customers of the customers' rights to restrict use of, disclosure of, and access to the customers' CPNI every two years.
- NetFortris permits the use of oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the customer call. This one-time use approval is preceded by a notice that contains all of the required disclosures found in

section 64.2008(c), 47 C.F.R. § 64.2008(c), subject to those disclosures excluded as permitted by section 64.2008(f)(2), 47 C.F.R. § 64.2008(f)(2).

Safeguards Required for Use of CPNI - Section 64.2009

- NetFortris has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.
- NetFortris has trained its personnel as to when they are and are not authorized to use CPNI, and NetFortris has an established, express disciplinary process that can result in disciplinary actions up to, and including, termination of employment.
- NetFortris maintains records of (1) its own and its affiliates' sales and marketing campaigns that use its customers' CPNI, and (2) all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record includes a description of each campaign, the specific CPNI that was used in the campaign, and what products or services were offered as part of the campaign. NetFortris will retain the record for a minimum of one year.
- NetFortris has established a supervisory review process regarding its compliance with section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.*, for outbound marketing situations. NetFortris also maintains records of its compliance for a minimum period of one year. NetFortris sales and marketing personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.
- An officer of NetFortris signs and files with the Commission a compliance certificate on an annual basis. The officer states in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.* NetFortris also provides a statement accompanying the certificate explaining how its operating procedures ensure that it is in compliance with section 64.2001 *et seq.* of the Commission's rules, 47 C.F.R. § 64.2001 *et seq.* In addition, NetFortris includes 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. The company makes this filing annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36 for data pertaining to the previous calendar year.
- NetFortris has not yet found any instance where its opt out mechanism has not worked properly. However, NetFortris will 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 customers' inability to opt out is more than an anomaly. The notice will be made pursuant to, and in accordance with, section 64.2009(f) of the Commission's rules, 47 C.F.R. § 64.2009(f).

Safeguards on the Disclosure of CPNI - Section 64.2010

- NetFortris has implemented reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.
- NetFortris only discloses call detail information over the phone during customer-initiated telephone contact if the customer first provides the carrier with a password that is not

prompted by NetFortris's request for readily available biographical or account information. If the customer cannot provide a password over the phone, NetFortris does not release any call detail information over the phone, unless the customer provides certain call detail information without any assistance from NetFortris, in which case NetFortris will discuss only that call detail information provided by the customer.

- NetFortris only provides online access to CPNI if the customer has been authenticated through entry of a password established in accordance with section 64.2010(e) of the Commission's rules, 47 C.F.R. § 64.2010(e).
- NetFortris discloses CPNI at its retail and office locations only to customers who first present the company or its agents with a valid photo ID matching the customer's account information.
- NetFortris establishes passwords for its customers in accordance with the requirements of section 64.2010(e) of the Commission's rules, 47 C.F.R. § 64.2010(e).
- NetFortris notifies customers immediately whenever a password, back-up authentication question, online account, or address of record is changed. The notification is made by NetFortris originated email to the address of record. The notification does not reveal the nature of the changed information.
- NetFortris binds itself contractually to authentication regimes other than those described in section 64.2010 of the Commission's rules, 47 C.F.R. § 64.2010, for services the company provides to business customers that have both a dedicated account representative and a contract that specifically addresses NetFortris's protection of CPNI.

Notification of CPNI Security Breaches - Section 64.2011

- NetFortris will notify law enforcement of a breach of its customers' CPNI as provided in section 64.2011 of the Commission's rules, 47 C.F.R. § 64.2011.
- NetFortris will not notify its customers or disclose the breach publicly, whether voluntarily or under state or local law or these rules, until the company has completed the process of notifying law enforcement pursuant to paragraph (b) of section 64.2011 of the Commission's rules, 47 C.F.R. § 64.2011(b).
- After NetFortris has completed the process of notifying law enforcement pursuant to paragraph (b) of section 64.2011 of the Commission's rules, 47 C.F.R. § 64.2011(b), it will notify customers of a breach of those customers' CPNI.
- NetFortris will maintain a record of any breaches discovered, notifications made to the USSS and the FBI pursuant to paragraph (b) of section 64.2011 of the Commission's rules, 47 C.F.R. § 64.2011(b), and notifications made to customers. The record will 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. NetFortris will retain the record for a minimum of 2 years.