

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: Fonality LLC
3. Form 499 Filer ID: 828810
4. Name of signatory: Kevin Dickens
5. Title of signatory: CO-CEO and CPNI Compliance Officer
6. Certification:

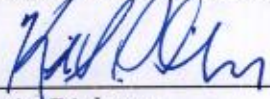
I, Kevin Dickens, certify that I am an officer of the Company named above, and acting as an agent of the Company, that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

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 Fonality's Customer Proprietary Network Information (CPNI) Procedures

Fonality LLC ("Fonality") 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

- Fonality 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. Fonality 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.
- Fonality 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

- Fonality 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.* Fonality maintains records of approval for a minimum of one year.
- Fonality 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.* Fonality utilizes opt out approval to use CPNI for marketing communications-related services to that customer. Fonality also utilizes opt out approval to obtain customer consent to Fonality's disclosure of customer CPNI to its agents and affiliates that provide communications-related services.
- If Fonality subsequently chooses to take any action for which opt in customer approval is required, Fonality 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

- Fonality 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. Fonality retains records of notification for a minimum of one year.
- Fonality 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.
- Fonality provides notices to its customers of the customers' rights to restrict use of, disclosure of, and access to the customers' CPNI every two years.
- Fonality 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

- Fonality has implemented a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.
- Fonality has trained its personnel as to when they are and are not authorized to use CPNI, and Fonality has an established, express disciplinary process that can result in disciplinary actions up to, and including, termination of employment.
- Fonality 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 will include 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. Fonality will retain the record for a minimum of one year.
- Fonality 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. Fonality also maintains records of its compliance for a minimum period of one year. Fonality marketing personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.
- An officer of Fonality 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.* Fonality 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, Fonality 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.
- Fonality has not yet found any instance where its opt out mechanism has not worked properly. However, Fonality 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

- Fonality has implemented reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.

- Fonality only discloses call detail information over the phone during customer-initiated telephone contact if the customer first provides the carrier with an authorized contact that is not prompted by Fonality's request for readily available biographical or account information. If the customer cannot provide an authorized contact over the phone, Fonality does not release any call detail information over the phone.
- Fonality 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).
- Fonality discloses CPNI at its office locations only to customers who first present the company or its agents with a valid photo ID matching the customer's account information.
- Fonality 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).
- Fonality notifies customers immediately whenever a password, back-up authentication question, online account, or address of record is changed. The notification is made by Fonality originated email to the address of record. The notification does not reveal the nature of the changed information.
- Fonality 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 Fonality's protection of CPNI.

Notification of CPNI Security Breaches - Section 64.2011

- Fonality 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.
- Fonality 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 Fonality 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.
- Fonality 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. Fonality will retain the record for a minimum of 2 years.