

**System Security and Integrity Policies and Procedures Manual
of
Breeze Broadband Communications Inc**

**Pursuant to
Section 105 of the Communications Assistance for Law Enforcement Act and
Section 229 of the Communications Act of 1934**

47 CFR Part 1
Subpart Z
Section 1.20000 – 1.20005

Filer ID _____

Breeze Broadband Communications Inc
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I. PURPOSE OF THIS MANUAL

This System and Security Integration (“SSI”) Policies and Procedures Manual (“Manual”) establishes the policies and procedures for the supervision and control of the officers, employees, and agents of Breeze Broadband Communications Inc (“BBCI”) as required by Section 105 of the Communications Assistance for Law Enforcement Act (“CALEA”) and Section § 229 of the Communications Act of 1934, and applicable Federal Communications Commission (“FCC”) regulations implementing that statute. This Manual constitutes the required SSI policies and procedures of BBCI that will be filed with the FCC pursuant to 47 C.F.R. § 1.20005.

As described in more detail below, these policies and procedures: (a) require Appropriate Legal Authorization (defined as a court order valid on its face or other statutorily permissible legal authorization, as further defined in Section III.C, below), and Appropriate Carrier Authorization (defined as BBCI’s authorization in accordance with this Manual, as further defined in Section III.C, below) to provide BBCI’s Technical Assistance (defined as the use of BBCI’s information, facilities, and expertise as may be necessary to ensure that duly-authorized electronic surveillance authorizations are effectively implemented and operative throughout the authorized time period in accordance with 47 CFR §1.20006) to duly authorized law enforcement agency(ies) (“LEAs”) to activate interception of communications and provide access to call-identifying information; (b) prevent any such interception or access without appropriate authorization; and (c) establish procedures to maintain secure and accurate records of any interception or access with or without such appropriate authorization.

II. STATEMENT OF CORPORATE POLICY

It is BBCI’s policy to comply with the laws of the United States and applicable state statutes when directed by a court of appropriate jurisdiction, or by a certification in writing signed by the Attorney General, or a person specified in 18 U.S.C. § 2518(7), to carry out, in good faith, BBCI’s legal obligations under applicable federal wiretapping laws, including Title III of The Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 2510-2520, as amended by the USA PATRIOT Act of 2001 and the PATRIOT Act Reauthorization of 2006 (hereinafter PATRIOT Act and Reauthorization, respectively), the Electronic Communications Privacy Act of 1986, 18 U.S.C. §§ 2701-2712, §§ 3121-3127, the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. §§ 1801-1829, 1841-1861, the Communications Assistance for Law Enforcement Act, 47 U.S.C. §§ 1001-1021, and all applicable state surveillance statutes (together, “Applicable Law”).

BBCI’s policy ensures that a governmental entity or LEA does not initiate any interception of communications or access to call identifying information within the premises of BBCI without Appropriate Authorization (defined as Appropriate Legal Authorization together with Appropriate Carrier Authorization), and that BBCI provides Technical Assistance only pursuant to Appropriate Authorization.

III. GENERAL POLICIES FOR ELECTRONIC SURVEILLANCE

Prior to providing Technical Assistance to a LEA for the initiation of any interception of communications or access to call identifying information (also referred to herein as “Surveillance”) affected BBCI entities and personnel must ensure that the requested Surveillance is supported by Appropriate Authorization. That is, Surveillance may be activated only: (1) pursuant to a valid (on its face) court order, or other lawful authorization; and, (2) with the affirmative intervention of BBCI’s Surveillance Manager(s), as defined in Section III.A, below, and as identified in Appendix A.

No officer, employee or agent of BBCI shall disclose or attempt to disclose the existence or possible existence of any interception of communications or access to call identifying information, or the device used to accomplish such interception or access, except as may otherwise be required by legal process and then only after BBCI has provided prior notification to the Attorney General or to the principal prosecuting attorney of the State.

All officers, employees, or agents of BBCI are required to follow the policies and procedures specified in this Manual. Failure to comply with the procedures established in this Manual, and the procedures required under federal and state law, may result in sanctions to BBCI. In addition, federal and state laws authorize civil damages, fines, and imprisonment for the unlawful interception or disclosure of wire and electronic communications. Questions about how to comply with the policies and procedures in this Manual should be directed to BBCI’s counsel or to the Surveillance Manager(s). Contact information for the Surveillance Manager(s) may be found in Appendix A.

A. Senior Officer(s) or Employee(s) Responsible for Supervision and Control

BBCI has designated the person(s) identified in Appendix A as the senior officer(s) or employee(s), and designated point(s) of contact (“Surveillance Manager(s)”) for purposes of ensuring compliance with federal and state laws, and the procedures in this Manual. Such person shall be responsible for ensuring that any interception of communications or access to call-identifying information undertaken within BBCI’s network can be activated only with Appropriate Authorization, that is, in accordance with a valid court order or other lawful authorization, and with the responsible Surveillance Manager’s affirmative intervention.

In addition to the other duties described in this Manual, and in his/her capacity as the senior officer or employee designated to oversee any interception of communications or access to call identifying information at BBCI, the responsible Surveillance Manager shall:

- (1) complete and sign a certification form for each interception of communications, or access to call-identifying information, that he/she

oversees;

(2) prepare the certification form either contemporaneously with, or within a reasonable period of time after, the initiation of the interception of communications or access to call-identifying information;

(3) ensure that the records of every interception of communications or access to call-identifying information are complete and accurate; and

(4) ensure that records for all interceptions of communications or access to call-identifying information events are placed in the appropriate secure files.

The responsible Surveillance Manager shall ensure that this Manual is updated and filed with the FCC within ninety (90) days of any amendment to the Manual or BBCI's SSI policies and procedures, or ninety (90) days after BBCI's merger with another entity.

B. Policies and Procedures to Implement Oversight of BBCI's Surveillance Practices

It is BBCI's policy that all employees, officers, or agents assigned by BBCI to implement Technical Assistance must undergo training specifically designed to ensure that such persons understand the requirements of Applicable Law and BBCI's policies and procedures for responding to Surveillance requests.

All officers, employees, and agents of BBCI understand and agree that they must follow Applicable Law, court orders, FCC regulations, and BBCI's policies and procedures in carrying out the responsibilities described in this Manual. Such persons also understand and agree that they may not disclose the fact of or any information regarding Surveillance to any person except BBCI officers, employees, and agents with a need to know, and shall not engage in unlawful interception of communications or access to call identifying information, or provide Technical Assistance without Appropriate Authorization.

Any violation of, or departure from, Applicable Law, or from the policies and procedures in this Manual, shall be reported immediately to BBCI's counsel or the Surveillance Manager(s) appointed by BBCI to oversee the provision of Technical Assistance and compliance with this Manual, as set forth in Appendix A.

BBCI will report to the appropriate duly authorized LEA within a reasonable time after discovery of: (1) any disclosure to or compromise by unauthorized persons or entities of a lawful interception of communications or access to call-identifying information; and, (2) any act of unlawful interception of communications or access to call-identifying information that has occurred on the premises of BBCI.

C. Required Legal Authorization and Carrier Authorization

Before assisting law enforcement officials or authorizing BBCI personnel to provide Technical Assistance with the implementation of the interception of communications or access to call-identifying information the Surveillance Manager(s) must receive **both** Appropriate Legal Authorization and Appropriate Carrier Authorization.

For purposes of this Manual “Appropriate Legal Authorization” means (i) a court order issued under Applicable Law, as defined above, signed by the judge or magistrate authorizing or approving interception of wire or electronic communication; or, (ii) other authorization, pursuant to 18 U.S.C. 2518(7) (emergency situation), or any other relevant federal or state statute.

Furthermore, for purposes of the policies and procedures described in this Manual, “Appropriate Carrier Authorization” shall mean authorization of the Surveillance Manager(s) in accordance with this Manual and all policies and procedures adopted by BBCI to supervise and control officers, employees and agents authorized to assist LEAs through the provision of Technical Assistance for interception of communications or access to call-identifying information.

D. Recordkeeping

The Surveillance Manager(s) shall maintain a secure and accurate record of each and every interception of communications or access to call-identifying information, made with or without Appropriate Authorization, in the form of a single certification. (See Appendix B.) The certification shall include the following information:

- (1) telephone number(s) and/or circuit identification numbers;
- (2) start date and times BBCI enables the interception of communications or access to call identifying information;
- (3) identity of the law enforcement officer presenting the authorization;
- (4) name of the person (e.g., judge, magistrate, or authorized prosecuting attorney) signing the authorization;
- (5) type of interception of communications or access to call-identifying information (e.g., Title III, FISA, pen register, trap and trace); and
- (6) name of the BBCI Surveillance Manager who is responsible for overseeing the Surveillance, and who is acting in accordance with the SSI procedures established in this Manual and pursuant to 47 CFR Part 1, Subpart Z, § 1.20000, *et. seq.*

The responsible Surveillance Manager will sign the certification as the person overseeing the Surveillance, thereby attesting that the record is accurate and complete. The certification will be completed contemporaneously with, or within a reasonable period of time after, the initiation of the interception of communications or access to call-identifying information.

Records of interception of communications or access to call-identifying information may only be disclosed to LEAs, or to other parties after notification to the Attorney General of the United States or to the principal prosecuting attorney of the state or subdivision thereof, as may be appropriate, pursuant to Appropriate Legal Authority and Applicable Law.

BBCI shall establish and label separate files in which it will retain all certification forms, court orders, and other records pertaining to any authorized Surveillance. BBCI shall ensure that Surveillance records are maintained securely and accurately, and such records shall be retained in secure and appropriately-marked files for a period of two years. Certification forms and records pertaining to any instance of unauthorized interception of communications or access to call-identifying information shall be maintained for ten years, or as otherwise required by Applicable Law.

E. Unauthorized Surveillance and Compromises of Authorized Surveillance

Officers, employees, or agents are prohibited from conducting any unauthorized interception of communications or access to call-identifying information and from disclosing to any person the existence of, or information about, any Surveillance pursuant to Appropriate Authorization, unless required by legal process and then only after prior notification to a representative of the Attorney General of the United States or to the principal prosecuting attorney of the state or subdivision thereof, as may be appropriate, pursuant to Applicable Law.

Officers, employees, or agents shall report any incidents of unauthorized interception of communications or access to call-identifying information, and any compromises of authorized Surveillance to the Surveillance Manager(s) named in Appendix A of this Manual.

APPENDIX A

Breeze Broadband Communications Inc Surveillance Manager(s)

Pursuant to 47 C.F.R. § 1.20003(b)(4)(i) and (ii) and BBCI's SSI Manual, BBCI hereby designates the following senior officer(s) or employee(s) to serve as the point(s) of contact and "Surveillance Manager(s)" for law enforcement agencies ("LEAs") to obtain technical assistance for court-authorized or other lawful interception of communications or access to call-identifying information.

POINTS OF CONTACTS

PRIMARY CONTACT:

ADDRESS:

NAME: WILLIAM J WAX

**1400 DOUGLAS STREET, 650
OMAHA, NE 68179**

TITLE: PRESIDENT

Direct Phone #: 402.544.4040

JOB DESCRIPTION: [FILL IN (REQUIRED)]

FACSIMILE: 402.271.5318

**AFTER HOURS¹ PHONE #:
402.544.4040**

E-MAIL ADDRESS:

WJWAX@BREEZEINTERNET.NET

SECONDARY CONTACT:

ADDRESS:

NAME: JULIA ULRICH

**1400 DOUGLAS STREET, 1830
OMAHA, NE 68179**

TITLE: CHIEF FINANCIAL OFFICER

Direct Phone #: 402.544.0121

JOB DESCRIPTION: [FILL IN (REQUIRED)]

FACSIMILE: 402.233.2470

**AFTER HOURS PHONE #:
402.544.0121**

E-MAIL ADDRESS:

JULIAULRICH@UP.COM

¹ This is the phone number at which the Surveillance Manager can be reached by a LEA representative twenty-four hours a day, seven days a week.

APPENDIX B

Surveillance Certification Form

Instructions: The information requested below shall be provided by BBCI's senior officer/employee (Surveillance Manager) who has been duly authorized by BBCI and is responsible for authorizing and overseeing Technical Assistance for the implementation of the electronic interception of communications or access to call-identifying information in accordance with the BBCI Manual. This form must be filled out for every surveillance request, including any extensions of existing interception of communications or access to call-identifying information, and in the event of any interception of communications or access to call-identifying information without Appropriate Authorization.

BBCI Case File Number: _____

I. APPROPRIATE LEGAL AUTHORIZATION (If interception of communications or access to call-identifying information has occurred without Appropriate Authorization, check here ___ and proceed to Section II, below.)

Type of Order (Check One):

Pen Register/Trap & Trace _____ Wiretap/Title III _____
Location _____ FISA _____

Extension _____

(If this is an extension, attach this certification and extension order with original court order)

TARGET TELEPHONE # / CIRCUIT ID #: _____

Order Presented By:²

LEA Case File #: _____ Date: _____
Agent/Officer: _____ Contact Phone #: _____
Agency: _____
LEA Address: _____

Surveillance Order Number: _____ (Court # or Docket #): _____

Approving Judge: _____ **Court Name:** _____

Technical Assistance Approved by: _____ **Date:** _____

Surveillance Activation³:

Date: _____ **Time:** _____ **Initial:** _____

Surveillance Deactivation:

Date: _____ **Time:** _____ **Initial:** _____

² Much of the information required to complete this form is found in the court order. Pursuant to CFR, Part 1, Subpart Z, § 1.20004(a)(4), these requirements may be met by attaching the order to this Certification.

³ This is the date and time BBCI makes the Technical Assistance available to the LEA.

II. INTERCEPTION OF COMMUNICATIONS OR ACCESS TO CALL-IDENTIFYING INFORMATION WITHOUT APPROPRIATE AUTHORIZATION

Reported by:_____ **Date:**_____

Circumstances (record all known information regarding the unauthorized interception of communications or access to call-identifying information; attach additional sheets as necessary):

Activation of Unauthorized Interception or Access:

Date (if known): _____ **Time (if known):** _____

Deactivation of Unauthorized Interception or Access:

Date: _____ **Time:** _____ **Initial:** _____

Reported to LEA:

Date: _____ **Time:** _____ **Initial:** _____
LEA Case File #: _____ **Date:** _____
Agent/Officer: _____ **Contact Phone #:** _____
Agency: _____

I have overseen the matters described on this form and on any attached documents, and I hereby certify that the information contained on this form is complete and accurate.

Signature:_____ **Date:**_____

Print Name:_____