

Secretary
Federal Communications Commission
CALEA Monitoring Report
445 12th Street SW
Washington, D.C. 20554

FCC FORM 445

November 22, 2010

Re: Defero3, Inc., System Security and Integrity Plan,
FCC Form 445 Submission, ET Docket No. 04-295

To Whom It May Concern:

Attached, pursuant to 47 C.F.R. § 1.20005, please find an original and four copies of the System Security and Integrity Plan of Defero3, Inc. Defero3 hereby submits the FCC Form 445 in compliance with the Commission's ruling that requires interconnected VOIP service providers and facilities-based broadband Internet access providers to comply with the Communications Assistance for Law Enforcement Act (CALEA).

Defero3 has only recently begun offering services that require it to comply with the obligations imposed by CALEA and the FCC. Defero3 has proceeded in good faith to implement the requirements stipulated by CALEA, Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.) utilizing a custom in-house developed solution. The completed required Form 445 and detailed explanation of the Defero3 compliance program is enclosed.

Should there be any questions regarding this submission please contact the undersigned at 1-888-973-8647 and/or ajp@defero3.com.

Respectfully submitted,

Alexander Perovich



Enclosures

cc: David Ward, FCC Senior Legal Advisor, Policy Division,
Public Safety and Homeland Security Bureau

: FBI CALEA Compliance Unit
CALEA Implementation Unit
14800 Conference Center Drive, Suite 300
Chantilly, VA 20151-0450

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Defero3 IP Telephone Service

Defero3's IP-enabled phone service is a commercial and hospitality, primary line service that offers digital quality and includes all of the features that customers expect from their phone service plus new enhanced features like hosted PBX functionality.

Within the hospitality service offering, our services are sold to hospitality properties (subscriber) to provide voice services to their guests and staff (tenants). Account information is associated with the given hotel/motel physical property.

Contact Information Legal Compliance (Subpoena, Search Warrant, Court Order):

Defero3's Legal Response Associates are Inam Inamullah and Alexander J Perovich which handle legal compliance. If your legal request *must* be served in your state of origin please contact any of the associates mention at the contact information provided below. If you may serve legal process outside of your state of origin, Defero3 prefers service of legal requests via facsimile (see contact information below for head office) to the extent allowed by state or federal law.

Head Office:

5980 Unity Dr. Suite H
Norcross, GA
30071, US

Hours of Operation: 8:30AM – 5:00PM Eastern Time

Telephone: 1-888-973-8647

After Hours 1-888-973-8647 ext 2

Service of Process Fax: 1 888 240 6345

Inam Inamullah

Title: CFO

Telephone: 1-888-973-8647 Ext 404

Email: inam@defero3.com

Alexander J Perovich

Title: COO

Telephone: 1-888-973-8647 Ext 401

Email: ajp@defero3.com

Subscriber Account Identification and Related Records

For subscriber identification based upon telephone number:

– Defero3 can only provide account information on telephone numbers with which we currently or have historically provided service. The current company which provides service to a specific telephone number can be obtained by contacting Neustar. Neustar is the company which serves as the FCC-appointed administrator of the North American Numbering Plan (NANP). To obtain

provider information from Neustar, you must first have an account active at Neustar. Neustar's website is www.neustar.biz and the NANP website is <http://www.nanpa.com/>.

For subscriber identification based upon a account name:

- Defero3 cannot identify a subscriber based upon a account name alone. It is necessary to include the street address where it is believed the account receives service. It may be possible in some cases to identify a subscriber based on account number and a city and state (with no street address).
- Defero3 will only respond to a request for identification based on the account name exactly as it is written on the request along with exact address.

For subscriber identification based upon a street address:

- It is necessary to provide an entire street address. In the request, please supply the building number, the street name, the city, state, and the zip code of the location you have targeted.
- Over a length of time it is possible that Defero3 has supplied service to multiple subscribers at the same address. Therefore, it is necessary to narrow a search for customer identity to a specific period of time.

For identification based upon a Defero3 account number:

- Please provide a complete account number. Legal requests with incomplete account numbers will not result in successful identifications.

For tenant identification based upon telephone number / extension number:

- Defero3 can only provide account information on telephone numbers / extension numbers with which we currently or have historically provided service. The current company which provides service to a specific telephone number can be obtained by contacting Neustar. Neustar is the company which serves as the FCC-appointed administrator of the North American Numbering Plan (NANP). To obtain provider information from Neustar, you must first have an account active at Neustar. Neustar's website is www.neustar.biz and the NANP website is <http://www.nanpa.com/>.

For tenant identification based upon a name:

- Defero3 cannot identify a tenant based upon a tenant name alone. It is necessary to include the street address where it is believed the tenant receives service, the subscriber name and the date range for the tenant. It may be possible in some cases to identify tenant based on account name and a city and state (with no street address).
- Defero3 will only respond to a request for identification based on the name exactly as it is written on the request. For example: if the request asks for information relating to James Doe in Springfield and Defero3's records reveal a J. Doe and/or a Jim Doe in Springfield, Defero3 will not have information responsive to the request or may require additional legal process to determine if it has responsive information. If initials or nickname are used you should add a request for those other versions of the name in your legal request.

Retention Policies Call Detail Records

– Defero3 maintains two years of historical call detail records (records of local and long distance connections) for our Defero3 IP telephone service. This includes local, local toll, and long distance records.

Account Records

–Account records are generally stored for approximately two years after the termination of an account. If the account has an outstanding balance due, records may be retained for a longer period of time.

Types of Requests

Generally, the following information, when available to Defero3, can be supplied in response to the types of requests listed below. Each request is evaluated and reviewed on a case by case basis in light of any special procedural or legal requirements and applicable laws. The following examples are for illustration only.

Grand Jury, Trial or Administrative Subpoena

Law enforcement agencies can receive subscriber / tenant identification including:

- 1) Subscriber's name
- 2) Subscriber's address
- 3) Subscriber's Length of service including start date
- 4) Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- 5) Means and source of payment for such service (including any credit card or bank account number)
- 6) Tenant's name
- 7) Tenant's length of service including start date
- 8) Tenant's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- 9) Subscriber / Tenant's Call Detail (records of local and long distance connections)

Judicial Summons

Law enforcement agencies can receive subscriber / tenant identification including:

- 1) Subscriber's name
- 2) Tenant's name

Court Order

Law enforcement agencies can receive subscriber identification including:

- 1) Subscriber's name
- 2) Subscriber's address
- 3) Subscriber's length of service including start date
- 4) Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- 5) Subscriber's social security number (if requested)
- 6) Subscriber's Means and source of payment for such service (including any credit card or bank account number)

- 7) Subscriber's Call Detail (records of local and long distance connections)
 - 1) Tenant's name
 - 2) Tenant's length of service including start date
 - 3) Tenant's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
 - 4) Tenant's call Detail (records of local and long distance connections)

Search Warrant

Law enforcement agencies can receive subscriber identification including:

- 1) Subscriber's name
- 2) Subscriber's address
- 3) Subscriber's length of service including start date
- 4) Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- 5) Subscriber's means and source of payment for such service (including any credit card or bank account number)
- 6) Subscriber's call detail records (records of local and long distance connections)
- 7) Tenant's name
- 8) Tenant's address
- 9) Tenant's length of service including start date
- 10) Tenant's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- 11) Tenant's call detail records (records of local and long distance connections)

Preservation Request/ Backup Preservation Request

Title 18 U.S.C. §§ 2703(f) and 2704 provide a mechanism for law enforcement agencies to require Defero3 to preserve subscriber data until an appropriate legal order is obtained. No information can be released until Defero3 receives a valid legal request. The information will be retained for ninety days upon which, if no legal request is made or no authorized ninety day extension is sought, the information will be permanently purged.

Pen Register / Trap and Trace Device

Title 18 U.S.C. §§ 3122 and 3123. All orders authorizing or approving the installation and use of a pen register or a trap and trace device must be coordinated prior to submission to Defero3. Law enforcement will be asked to agree to reimburse Defero3's reasonable costs incurred to purchase and/or install and monitor necessary equipment. See "Reimbursement," below.

Wiretaps and Interception of Communications

Title 18 §§ 2510, 2516-19 authorizes orders for intercepting voice communications. All orders authorizing or approving the installation and use of a wiretap must be coordinated prior to submission to Defero3. Law enforcement may be asked to agree to reimburse Defero3's reasonable costs incurred to facilitate request(s). See "Reimbursement," below.

Foreign Intelligent Surveillance Act of 1978

Title 50 U.S.C. § 1801-1862 Submissions to Defero3 should be coordinated with the FBI field office in Denver, CO. A Special Agent will be tasked to hand deliver the request to Defero3. Upon receipt, Defero3 will handle all documents with the appropriate care and security as required by law. If your request pertains to individuals outside the U.S., please be sure you have complied with all the requirements in 50 U.S.C. §§ 105A and/or 105B. Requests such as these can not be honored after one year and must be dated prior to February 5, 2008, unless extended by Congress.

National Security Letter

All National Security Letters should be coordinated with the FBI field office in Denver, CO. A Special Agent will be tasked to hand deliver the request to Defero3. Upon receipt Defero3 will handle all documents with the appropriate care and security as required by law. Attention must be paid to the various court proceedings in which the legal status of such requests is at issue

Child Abuse

Defero3 will make information available to the National Center for Missing and Exploited Children as required by 42 U.S.C. § 13032

Emergency Disclosure

18 U.S.C. § 2702(b)(8) and § 2702(c)(4) contain provisions for the expedited release of subscriber information in situations where there is an immediate danger of death or an immediate risk of serious physical injury. Law enforcement agencies need only provide a demand letter which details the nature of the request, as well as the circumstances giving rise to the danger, and account information will be provided on an expedited basis.

Quick Reference

The check list below should function as a quick reference guide for producing a valid legal submission to Defero3 and will help reduce processing time associated with overly broad or erroneous submissions.

- Verify that the telephone number is registered to Defero3.
- Include the telephone number, physical address, and all other pertinent information that will help Defero3 to adequately respond to your request.
- State on your request specifically what you require Defero3 to provide; we do not make assumptions about what information is being sought.
- Do not use language which is specific to one company. Use general terms such as "call detail records" rather than an acronym for call detail records that one company might use.
- Ensure that you completely explain the nature and circumstances of any potential serious injury or death to justify an emergency disclosure.
- Ensure that all of your contact information is correct. Defero3 will return legal requests via fax unless otherwise requested in the order.

Summary

In conclusion, Defero3 has designed and currently administers a program that ensures compliance with the FCC rulings that require:

Pursuant to a court order or other lawful authorization, Defero3 is be able to:

- (1) expeditiously isolate all wire and electronic communications of a target transmitted by the carrier within its service area;
- (2) expeditiously isolate call-identifying information of a target;
- (3) provide intercepted communications and call-identifying information to law enforcement; and
- (4) carry out intercepts unobtrusively, so targets are not made aware of the electronic surveillance, and in a manner that does not compromise the privacy and security of other communications

Defero3's program includes:

Should Defero3 be instructed to capture phone conversations over our network, as part of any such wire tapping, we perform the following actions and produce call logs and voice recordings on industry standard media using industry standard formats such as playable CD, DVD and/or mp3 or wav formats.

The actions performed are as follows:

1. Defero3 technician or appointed qualified technician engaged by Defero3 will go on-site with network data capturing equipment.
2. Connect data capturing equipment to network switch currently providing connectivity to inbound/outbound data flow for specific capture criteria on the switches identified data port.
3. Replicate data on identified port to network capturing device that will record all data and store for later processing.
4. On-site technician will then daily retrieve data and process by filtering on required communications strings and prepare on media for transport/distribution.
5. When request has been fulfilled, the on-site technician will remove the data capturing equipment and release the monitored port to norm operation.

These measures satisfy the codified rules that require telecommunications carriers to:

- (a) ensure that any interception of communications or access to call-identifying information effected within its switching premises can be activated only in accordance with appropriate legal authorization, appropriate carrier authorization, and with the affirmative intervention of an individual officer or employee of the carrier acting in accordance with regulations prescribed by the Commission; and
- (b) implement the assistance capability requirements of CALEA section 103, 47 U.S.C. § 1002, to ensure law enforcement access to authorized wire and electronic communications or call-identifying information.

Reimbursement Fees

The Legal Response Center does not charge for responses to legal process served by a government entity involving child exploitation. In all other situations, Defero3 reserves the right to seek reimbursement for processing and responding to legal process as permitted by law. Our policy is to discuss reimbursement with the requesting party before we incur any costs. However, in time-sensitive situations we may have to discuss costs after the fact.

Costs for the implementation of a Court Ordered Pen Register/Trap and Trace, Wiretap, or a CALEA compliant Order are as follows and may be subject to change:

- CALEA intercept: \$1,000.00 initial start-up fee (including the first month of intercept service) and \$750.00 per month for each subsequent month in which the original order or any extensions of the original order are active.
- Call Detail Record releases in response to ongoing Court Order: \$150.00 per week for once-per-week delivery of incoming and outgoing call detail records for the duration of the original order and any extensions of the original order. More frequent delivery of call detail records is an additional \$50.00 per delivery