

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2014 covering the prior calendar year 2013

Date Filed: February 26, 2014

Name of company(s) covered by this certification: DOW Management Company, Inc. d/b/a AVOXI

Form 499 Filer ID: 821968

Name of signatory: Weston Edmunds

Title of signatory: Executive Vice President

Certification:

I, Weston Edmunds, 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 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 the enforcement action.

Signed 

STATEMENT OF POLICY AND PROCEDURES

AVOXI takes very seriously, and operates in full compliance with the FCC's directives regarding the protection of CPNI. In accordance with such agreement, AVOXI's policy for use of, and misuse of, CPNI is as follows:

Use of CPNI

AVOXI does not use CPNI, distribute CPNI or sell CPNI.

Misuse of CPNI

AVOXI has a "zero tolerance" policy as it relates to violations. An employee will be terminated from employment with AVOXI if the above policy is violated repeatedly or in a single case in what is determined to be a willful manner. Single violations of the above policy, if determined not to be deliberate, will result in disciplinary action and retraining.

STEPS TAKEN TO REASONABLY PROTECT CPNI:

General Policy

Employees with access to the billing systems are made fully aware, and it is stressed in their training, that any misuse of CPNI will result in disciplinary action and that repeated or willful misuse of CPNI will result in termination.

AVOXI does not have residential customers. Though the requirements for business customers are less stringent in certain, specifically stated areas, AVOXI does comply with the law and has specific guidelines in place to insure that CPNI violations do not occur.

Up front, CPNI is only given to what we call "valid contact(s)". Usually, valid contact(s) is/are the person(s) who signed the company's Customer Service Agreement ("CSA") or others named on the CSA. Copies of all CSA's are associated with each account in our Customer Relations Management ("CRM") system.

The valid contact(s) may designate or approve others to receive CPNI through an email request sent from the email address that we have on file as associated with the valid contact for that account.

When AVOXI employees receive requests for CPNI:

- They are instructed to verify the request with an existing valid contact who, again, may approve or deny the request through an email from the associated address, or
- They may honor the request for CPNI from a non-verified contact, but the results of the request (for example, a Call Detail Record) may only be sent via email to the valid contact.
- They will consult with the Account Manager as to whether the contact is valid, and the Account Manager will then add the contact in our CRM system.

Password Use

Telephone requests are not honored without an email from the associated address of a valid contact. When a request for CPNI is received by telephone, the calling party is asked to verify the request with an email from the associated email address.

AVOXI customers do have access to their own CPNI through three online portals:

1. Billing System Portal (Billing System #1)

- The login and password for this portal are sent directly to the valid contact and cannot be changed remotely by the customer, but only by employees with access to the billing system.
- Once again, these changes can only be made by the valid contact with an email request from the associated address.

2. Billing System Portal (Billing System #2)

- A temporary password is given directly to the valid contact upon account creation. Customers must change their password upon their first attempt to login to the system. This new password cannot be seen from within the billing system.
- Customers can change their password in two ways:
 - By using a link on the login page, but the new temporary password is only sent to the valid contact's email address.
 - Through the web portal itself, but the login and old password must be supplied.

3. Customer Relations Management Portal

- Our Customer Relations Management tool does link to pages containing CPNI.
- Upon account inception, a company support team member generates a new Password and Login from the CRM that is directly sent from the CRM to the valid contact, which is based off of the contact information in the CRM system
- If manually requested, the Login and Password are released by an AVOXI support personnel only to the valid contact based on an email request from the associated address or the customer can change the Password automatically directly via the CRM system.
- Once received, customers can change their own Password. However, when they submit a request to change the password, they can only access the password change interface through an email sent to the email address associated with the login name.

Notification of CPNI Policy Changes

AVOXI has never found it necessary to alter its strict CPNI policy but, in such a case, would notify all customers of this change in policy.

Use of CPNI in Sales and Marketing Campaigns

AVOXI's current Marketing policy precludes the use, legal or otherwise, of CPNI for marketing campaigns. Were this policy to change, it would follow established guidelines that must be followed. It includes keeping record of the use of the CPNI and mandates having a supervisory review and approval

process in place before CPNI was used. The Marketing Department has affirmed that no CPNI was used in any campaign in 2013.

However, if AVOXI were to use CPNI in marketing campaigns, the company will maintain a record of all sales and marketing campaigns that use the CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.

AVOXI has implemented a system to obtain prior approval and informed consent from its customers in accordance with the CPNI Rules. This system allows for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.

Prior to commencement of a sales or marketing campaign that utilizes CPNI, AVOXI will establish the status of a customer's CPNI approval. The following sets forth the procedure that will be followed by the Company:

- Prior to any solicitation for customer approval, AVOXI will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
- AVOXI will use opt-in approval for any instance in which Company must obtain customer approval prior to using, disclosing or permitting access to CPNI.
- A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
- Records of approvals are maintained for at least one year.
- AVOXI provides individual notice to customers when soliciting approval to use, disclose or permit access to CPNI.
- The CPNI notices sent by AVOXI comply with FCC Rule 64.2008(c).

AVOXI will also establish a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and will maintain compliance records for at least one (1) year.

FCC Notification

Company is prepared to provide written notice within five (5) business days to the FCC of any instance where the opt-in mechanisms do not work properly or to such a degree that consumers' inability to opt-in is more than an anomaly.

Opt-In, Opt-Out Mechanisms

AVOXI does not use, distribute or sell CPNI. But AVOXI does allow the customer to "opt-out" to stay in compliance with mandated FCC guidelines. In signing the CSA, the customer officially consents to AVOXI to use and disclose Customer CPNI and Confidential Information as described above. Customers may refuse CPNI consent by signing the CSA and by notifying AVOXI in writing of Customer's decision to withhold Customer's consent. Customer's consent or refusal to consent will remain valid until Customer otherwise advises AVOXI, and in either case, will not affect AVOXI's provision of service to Customer. In 2013, no customer has "opted-out" via the Terms and Conditions. Again, AVOXI does not use, distribute or sell CPNI. Even so, were AVOXI to use CPNI in, it would send a valid notice to the customer(s) informing them of the intended use and disclosure of their CPNI information. Knowingly, if the customer would not respond within thirty (30) days, then AVOXI would be able to use the information.

Third Party Use of CPNI

To safeguard CPNI, prior to allowing joint ventures or independent contractors access to customers' individually identifiable CPNI, AVOXI requires all such third parties to enter into a confidentiality agreement that ensure compliance with this Statement of Policy and AVOXI shall also obtain opt-in consent for a customer prior to disclosing the information to such third parties. In addition, AVOXI requires all outside agents to acknowledge and certify that they may only use CPNI for the purpose for which that information has been provided.

AVOXI requires express written authorization from the customer prior to dispensing CPNI to new carriers, except as otherwise required by law.

AVOXI does not market or sell CPNI information to any third party.

Law Enforcement Notification of Unauthorized Disclosure

If an unauthorized disclosure of CPNI occurs, AVOXI shall provide notification of the breach within seven (7) days to the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI").

AVOXI shall wait an additional seven (7) days from its government notice prior to notifying the affected customers of the breach.

Notwithstanding the above, AVOXI shall not wait the additional seven (7) days to notify its customers if the Company determines there is an immediate risk of irreparable harm to the customers.

AVOXI shall maintain records of discovered breaches for a period of at least two (2) years.

Actions taken against Pretexters

AVOXI has not taken any actions against data brokers before state commissions, state or federal courts, or the FCC in the past year. AVOXI has no information, other than information that has been publicly reported, regarding the processes that pretexters are using to attempt to access CPNI.

Customer Complaints

AVOXI has not received any customer complaints in the past year concerning the unauthorized release of or access to CPNI.

Annual CPNI Certification

Pursuant to FCC regulations, 47 C.F.R. § 64.20089(e), AVOXI will annually submit to the FCC a CPNI Certification of Compliance and accompanying Statement regarding the company's CPNI policies and operating procedures. These documents certify that AVOXI complied with federal laws and FCC regulations regarding the protection of CPNI throughout the prior calendar year.