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March 3, 2014

**Via Electronic Mail**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Suite TW-A325  
Washington, D.C. 20554

**RE: EB Docket No. 06-36  
Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

Dear Ms. Dortch:

On behalf of Access Media 3, Inc. and pursuant to Section 64.2009(e) of the Commission's rules, 47 C.F.R. § 64.2009(e), enclosed for filing in the above-referenced docket is the company's executed annual CPNI Compliance Certificate and a copy of its CPNI policies and procedures statement covering calendar year 2013. Also attached is a copy of the company's CPNI Compliance Certificate and its CPNI policies and procedures statement covering calendar year 2012 which the company inadvertently failed to timely file.

Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,

Douglas W. Everette  
Counsel for Access Media 3, Inc.

Enclosures  
DWE:eh

**ACCESS MEDIA 3, INC.**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

**Annual 64.2009(e) CPNI Certification for 2013**

Date filed: **March 3, 2014**

Name of company covered by this certification: **Access Media 3, Inc.**

Form 499 Filer ID: **826568**

Name of signatory: **George Spengler**

Title of signatory: **Chief Operations Officer**

I, George Spengler, 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.

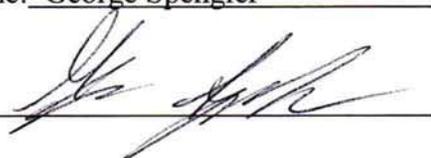
The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

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 be subject it to enforcement action.

Printed Name: George Spengler

Position: Chief Operations Officer

Signature: 

Date: 2/28/14

**STATEMENT ON ACCESS MEDIA 3, INC.'S POLICY ON  
USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION**

**Summary**

The purpose of this statement is to memorialize the policy of Access Media 3, Inc. and its affiliates (collectively, "AM3") on the use of Customer Proprietary Network Information ("CPNI"). AM3's policy is based upon and compliant with Federal Communications Commission ("FCC") rules and regulations governing CPNI.<sup>1</sup> AM3 is committed to the protection and non-disclosure of its customers' CPNI in compliance with existing rules and regulations. AM3 is aware of its obligation to report any breach in CPNI policy. Records pertaining to breaches will be kept for at least two years.

Any questions regarding this policy or any use of CPNI should be directed to the following designated CPNI Compliance Offer:

George Spengler  
Chief Operations Officer  
Access Media 3, Inc.  
900 Commerce Drive, Suite 200  
Oak Brook, IL 60523  
Telephone: 630.230.0555  
Facsimile: 630.230.0558

Inquiries regarding any suspected violations by other carriers of the federal rules described in this policy should be directed to the CPNI Compliance Officer.

**Key Definitions**

**Affiliate** - a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person. For the purposes of this paragraph, the term "own" means to own an equity interest of more than ten (10) percent.

**Customer Proprietary Network Information (CPNI)** - is defined as: (i) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; (ii) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; (iii) except that such term does not include Subscriber List Information.

**Subscriber List Information** - means any information identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications, or any combination of such listed names, numbers, addresses, or classifications; and that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

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<sup>1</sup> 47 U.S.C. § 222.

## AM3's CPNI Policy

### **I) USE OF CPNI WITHOUT CUSTOMER APPROVAL**

In certain instances, AM3 may use, disclose or permit access to CPNI without having to obtain customer approval, including:

- 1) To initiate, render, bill and collect for telecommunications services;
- 2) To protect the rights or property of AM3, or to protect users or other carriers from fraudulent, abusive, or illegal use of, or subscription to, such service;
- 3) To market services within the package of services to which the customer already subscribes; including with respect to AM3's interconnected VoIP services, adjunct-to-basic services and,
- 4) To complete inside wiring installation, maintenance, and repair services.

### **II) USE OF CPNI WHEN CUSTOMER APPROVAL IS REQUIRED**

AM3 did not use or permit the use of individually identifiable CPNI for marketing outside of the categories of services to which the customer already subscribes from AM3. As a result, AM3 did not make use of individually identifiable CPNI in a way that would require notice of such use and customer approval. If, however, AM3's use of CPNI does not fall within one of the categories set forth in Section I of this policy, then AM3 will acquire customer approval before proceeding with such use. AM3 will utilize either the "Opt-Out" or "Opt-In" method at its discretion, each of which is described in greater detail below. Prior to any solicitation for customer approval, AM3 will provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. AM3's solicitation for use of CPNI will be proximate to the notification of a customer's CPNI rights.

#### **A. Notification Requirements Generally**

- 1) The notification shall state that the customer has the right, and that AM3 has the duty, under federal law, to protect the confidentiality of the customer's CPNI.
- 2) The notification shall specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purpose for the which the CPNI will be used and inform the customer of their right to disapprove those uses, and deny or withdraw access to CPNI at any time.
- 3) The notification shall advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customers subscribes. AM3 may state that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's need.
- 4) The notification shall state that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from the

carrier is valid until the customer affirmatively revokes or limits such approval or denial.

- 5) AM3 shall maintain records of notification, whether oral, written or electronic, for at least one (1) year from the date of notification.

## **B. Opt-Out Approval**

AM3's employees will be trained in the requirements involved in Opt-Out Approvals. Opt-Out Approval means that AM3 will provide customers with advance notice that they intend to use, disclose, or permit access to a customer's CPNI and give the customer an opportunity to disapprove such usage, disclosure, or access. The following are additional requirements concerning Opt-Out Approval:

- 1) To ensure that customers have an opportunity to respond, there will be a reasonable waiting period, at least 30 days, before consent to use CPNI is inferred. AM3 will notify customers as to the applicable waiting period. AM3 will honor customer decisions to opt-out of requested uses whenever those decisions are communicated by customers, which may occur during or after the waiting period. AM3 will implement and honor the customer's later request for privacy as expeditiously as possible within the regular course of business. AM3 will notify customers as to the applicable waiting period for a response before approval is assumed.
- 2) In the case of written notification by mail, the waiting period will begin to run on the third day following the date the notification was mailed. In the case of electronic notification, the waiting period will begin to run on the date the notification was sent.
- 3) AM3 may transmit refresher notices to customers of their opt-out rights every two (2) years. The refresher notice will advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election. However, customers who wish to reverse their previous decision to opt-out, or consumers who have not previously opted-out but wish to do so, must take action as described in the notice.
- 4) If AM3's opt-out mechanisms do not work properly (to such a degree that the customers' inability to opt-out is more than an anomaly), AM3 will notify the FCC within five (5) business days in a format compliant with FCC rules.
- 5) When AM3 uses an electronic form of notification, AM3 will also:
  - a) have obtained express, verifiable prior approval from the customer that electronic notices are acceptable for their services in general or CPNI in particular
  - b) allow customers to reply directly to the electronic notice to opt-out.

- c) not count electronic notices that were returned as undeliverable as having satisfied the notification requirement.
- d) ensure that the subject line clearly identifies the subject matter of the e-mail.
- e) make available to every customer (including but not limited to those without Internet access and disabled customers) a method to opt-out that is of no additional cost to the customer and available 24 hours a day, seven days a week.

### **C. Opt-In Approval**

Opt-In approval means that AM3 will obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure or access after the customer is provided appropriate notification of the carrier's request.

### **D. Oral Notification**

AM3 will provide notification to obtain opt-out approval through electronic or written methods and not by oral methods, except that AM3 may use oral notice to obtain limited, one time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether AM3 uses opt-out or opt-in approval based on the nature of the contact. When using the one time oral notice, the AM3 representative will clearly communicate the same information that is provided in an AM3 written notice; provided, however, the AM3 representative need not advise customers that: (1) AM3 may share CPNI with their affiliates or third parties and need not name those entities if the limited CPNI usage will not result in use by or disclosure to an affiliate or third party; (2) certain steps are necessary to approval or restrict use of CPNI as long as the representative makes it clear that the customer can deny access for the call; (3) previous opt-out decisions require no further action to maintain the opt-out election; and (4) so long as the AM3 representative explains to the customer that the scope of the approval sought is limited to one-time use, the means by which a customer can deny or withdraw future access to CPNI.

Notation will be made in the customer records of any one-time oral notice to the customer and the customer's acceptance or rejection of one-time use of CPNI.

### **E. Subsequent Notices**

AM3 will honor its customers' CPNI elections unless and until a customer affirmatively changes his or her election. Following a customer's election to withhold approval of CPNI usage, AM3 may subsequently attempt to secure the customer's approval to use, disclose, or permit access to CPNI as frequently as AM3 deems appropriate, however, AM3 will not force customers to opt-out repeatedly in an attempt to wear the customer down and obtain an inadvertent approval. Upon receipt of written request by the customer, AM3 will disclose CPNI to the customer.

## F. New Customers

AM3 may request that consumers affirmatively make a CPNI election when the customer signs up for service. However, if AM3 provides an opt-out notice but does not require the customer to specifically demonstrate his decision to opt-out, then AM3 will abide by the thirty (30) day waiting period. The customer's election will be separate and distinct from the customer's decision to purchase AM3's service. AM3 will not require customers to assent to CPNI as a condition of service. New customers will also be required to select a password for accessing CPNI.

### III) SAFEGUARDS

- 1) **Customer Status:** AM3 will implement a system where a customer's CPNI approval status is clearly indicated on the customer's records.
- 2) **Training:** All AM3 personnel will be trained as to when and how CPNI may be used.
- 3) **Disciplinary Action:** Failure to abide by the AM3 CPNI policy will result in disciplinary action, including possible termination, in accordance with the company's then current employment policies and procedures in place.
- 4) **Marketing Campaigns:** AM3 and its affiliates that utilize CPNI in marketing campaigns will create a record specifying when and how CPNI was used and to whom it was disclosed or to whom access was permitted. This record must include a description of the campaign, the CPNI used, and the products and services offered in the campaign. The records will be maintained for at least one year. Before a customer's CPNI can be used in an out-bound marketing activity or campaign, AM3's records must be checked to determine the status of the customer's CPNI approval. AM3 personnel and its affiliates will be required to notify the CPNI Compliance Officer of any access, accuracy or security problems they encounter with respect to these records. If new, additional or extended approvals are necessary, the CPNI Compliance Officer will determine whether AM3's Opt-out notification or Opt-in notification must be used with respect to various proposed out-bound marketing activities.
- 5) **Outbound Marketing:** All sales personnel will be required to obtain supervisory approval of any proposed outbound marketing request for customer approval.
- 6) **Breaches:** AM3 must provide an initial notice to law enforcement and a subsequent notice to the customer if a security breach results in the disclosure of the customer's CPNI to a third party without the customer's authorization.
  - a) As soon as practicable (and in no event more than seven (7) days) after AM3 discovers that a person (without authorization or exceeding authorization) has intentionally gained access to, used or disclosed CPNI, AM3 must provide electronic notification of such breach to the United States Secret Service and to the Federal Bureau of Investigation via a central reporting facility accessed through a link maintained by the FCC at <http://www.fcc.gov/eb/cpni>.

**ACCESS MEDIA 3, INC.**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

**Annual 64.2009(e) CPNI Certification for 2012**

Date filed: **March 3, 2014**<sup>1</sup>

Name of company covered by this certification: **Access Media 3, Inc.**

Form 499 Filer ID: **826568**

Name of signatory: **George Spengler**

Title of signatory: **Chief Operations Officer**

I, George Spengler, 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 (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 be subject it to enforcement action.

Printed Name: George Spengler

Position: Chief Operations Officer

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

2/28/14

<sup>1</sup> The company inadvertently failed to file this certification and accompanying statement when due in 2013 as the result of an oversight. The company has taken steps to ensure that future CPNI certifications are filed in a timely manner. Please accept our apology for the missed filing. Protecting CPNI is of utmost importance to the company.

**STATEMENT ON ACCESS MEDIA 3, INC.'S POLICY ON  
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**Summary**

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George Spengler  
Chief Operations Officer  
Access Media 3, Inc.  
900 Commerce Drive, Suite 200  
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Telephone: 630.230.0555  
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**Key Definitions**

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**Customer Proprietary Network Information (CPNI)** - is defined as: (i) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; (ii) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; (iii) except that such term does not include Subscriber List Information.

**Subscriber List Information** - means any information identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications, or any combination of such listed names, numbers, addresses, or classifications; and that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

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<sup>2</sup> 47 U.S.C. § 222.

## AM3's CPNI Policy

### **I) USE OF CPNI WITHOUT CUSTOMER APPROVAL**

In certain instances, AM3 may use, disclose or permit access to CPNI without having to obtain customer approval, including:

- 1) To initiate, render, bill and collect for telecommunications services;
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- 4) To complete inside wiring installation, maintenance, and repair services.

### **II) USE OF CPNI WHEN CUSTOMER APPROVAL IS REQUIRED**

AM3 did not use or permit the use of individually identifiable CPNI for marketing outside of the categories of services to which the customer already subscribes from AM3. As a result, AM3 did not make use of individually identifiable CPNI in a way that would require notice of such use and customer approval. If, however, AM3's use of CPNI does not fall within one of the categories set forth in Section I of this policy, then AM3 will acquire customer approval before proceeding with such use. AM3 will utilize either the "Opt-Out" or "Opt-In" method at its discretion, each of which is described in greater detail below. Prior to any solicitation for customer approval, AM3 will provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. AM3's solicitation for use of CPNI will be proximate to the notification of a customer's CPNI rights.

#### **A. Notification Requirements Generally**

- 1) The notification shall state that the customer has the right, and that AM3 has the duty, under federal law, to protect the confidentiality of the customer's CPNI.
- 2) The notification shall specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purpose for the which the CPNI will be used and inform the customer of their right to disapprove those uses, and deny or withdraw access to CPNI at any time.
- 3) The notification shall advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customers subscribes. AM3 may state that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's need.
- 4) The notification shall state that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from the

carrier is valid until the customer affirmatively revokes or limits such approval or denial.

- 5) AM3 shall maintain records of notification, whether oral, written or electronic, for at least one (1) year from the date of notification.

## **B. Opt-Out Approval**

AM3's employees will be trained in the requirements involved in Opt-Out Approvals. Opt-Out Approval means that AM3 will provide customers with advance notice that they intend to use, disclose, or permit access to a customer's CPNI and give the customer an opportunity to disapprove such usage, disclosure, or access. The following are additional requirements concerning Opt-Out Approval:

- 1) To ensure that customers have an opportunity to respond, there will be a reasonable waiting period, at least 30 days, before consent to use CPNI is inferred. AM3 will notify customers as to the applicable waiting period. AM3 will honor customer decisions to opt-out of requested uses whenever those decisions are communicated by customers, which may occur during or after the waiting period. AM3 will implement and honor the customer's later request for privacy as expeditiously as possible within the regular course of business. AM3 will notify customers as to the applicable waiting period for a response before approval is assumed.
- 2) In the case of written notification by mail, the waiting period will begin to run on the third day following the date the notification was mailed. In the case of electronic notification, the waiting period will begin to run on the date the notification was sent.
- 3) AM3 may transmit refresher notices to customers of their opt-out rights every two (2) years. The refresher notice will advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election. However, customers who wish to reverse their previous decision to opt-out, or consumers who have not previously opted-out but wish to do so, must take action as described in the notice.
- 4) If AM3's opt-out mechanisms do not work properly (to such a degree that the customers' inability to opt-out is more than an anomaly), AM3 will notify the FCC within five (5) business days in a format compliant with FCC rules.
- 5) When AM3 uses an electronic form of notification, AM3 will also:
  - a) have obtained express, verifiable prior approval from the customer that electronic notices are acceptable for their services in general or CPNI in particular
  - b) allow customers to reply directly to the electronic notice to opt-out.

- c) not count electronic notices that were returned as undeliverable as having satisfied the notification requirement.
- d) ensure that the subject line clearly identifies the subject matter of the e-mail.
- e) make available to every customer (including but not limited to those without Internet access and disabled customers) a method to opt-out that is of no additional cost to the customer and available 24 hours a day, seven days a week.

### **C. Opt-In Approval**

Opt-In approval means that AM3 will obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure or access after the customer is provided appropriate notification of the carrier's request.

### **D. Oral Notification**

AM3 will provide notification to obtain opt-out approval through electronic or written methods and not by oral methods, except that AM3 may use oral notice to obtain limited, one time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether AM3 uses opt-out or opt-in approval based on the nature of the contact. When using the one time oral notice, the AM3 representative will clearly communicate the same information that is provided in an AM3 written notice; provided, however, the AM3 representative need not advise customers that: (1) AM3 may share CPNI with their affiliates or third parties and need not name those entities if the limited CPNI usage will not result in use by or disclosure to an affiliate or third party; (2) certain steps are necessary to approval or restrict use of CPNI as long as the representative makes it clear that the customer can deny access for the call; (3) previous opt-out decisions require no further action to maintain the opt-out election; and (4) so long as the AM3 representative explains to the customer that the scope of the approval sought is limited to one-time use, the means by which a customer can deny or withdraw future access to CPNI.

Notation will be made in the customer records of any one-time oral notice to the customer and the customer's acceptance or rejection of one-time use of CPNI.

### **E. Subsequent Notices**

AM3 will honor its customers' CPNI elections unless and until a customer affirmatively changes his or her election. Following a customer's election to withhold approval of CPNI usage, AM3 may subsequently attempt to secure the customer's approval to use, disclose, or permit access to CPNI as frequently as AM3 deems appropriate, however, AM3 will not force customers to opt-out repeatedly in an attempt to wear the customer down and obtain an inadvertent approval. Upon receipt of written request by the customer, AM3 will disclose CPNI to the customer.

## F. New Customers

AM3 may request that consumers affirmatively make a CPNI election when the customer signs up for service. However, if AM3 provides an opt-out notice but does not require the customer to specifically demonstrate his decision to opt-out, then AM3 will abide by the thirty (30) day waiting period. The customer's election will be separate and distinct from the customer's decision to purchase AM3's service. AM3 will not require customers to assent to CPNI as a condition of service. New customers will also be required to select a password for accessing CPNI.

### III) SAFEGUARDS

- 1) **Customer Status:** AM3 will implement a system where a customer's CPNI approval status is clearly indicated on the customer's records.
- 2) **Training:** All AM3 personnel will be trained as to when and how CPNI may be used.
- 3) **Disciplinary Action:** Failure to abide by the AM3 CPNI policy will result in disciplinary action, including possible termination, in accordance with the company's then current employment policies and procedures in place.
- 4) **Marketing Campaigns:** AM3 and its affiliates that utilize CPNI in marketing campaigns will create a record specifying when and how CPNI was used and to whom it was disclosed or to whom access was permitted. This record must include a description of the campaign, the CPNI used, and the products and services offered in the campaign. The records will be maintained for at least one year. Before a customer's CPNI can be used in an out-bound marketing activity or campaign, AM3's records must be checked to determine the status of the customer's CPNI approval. AM3 personnel and its affiliates will be required to notify the CPNI Compliance Officer of any access, accuracy or security problems they encounter with respect to these records. If new, additional or extended approvals are necessary, the CPNI Compliance Officer will determine whether AM3's Opt-out notification or Opt-in notification must be used with respect to various proposed out-bound marketing activities.
- 5) **Outbound Marketing:** All sales personnel will be required to obtain supervisory approval of any proposed outbound marketing request for customer approval.
- 6) **Breaches:** AM3 must provide an initial notice to law enforcement and a subsequent notice to the customer if a security breach results in the disclosure of the customer's CPNI to a third party without the customer's authorization.
  - a) As soon as practicable (and in no event more than seven (7) days) after AM3 discovers that a person (without authorization or exceeding authorization) has intentionally gained access to, used or disclosed CPNI, AM3 must provide electronic notification of such breach to the United States Secret Service and to the Federal Bureau of Investigation via a central reporting facility accessed through a link maintained by the FCC at <http://www.fcc.gov/eb/cpni>.